



FOLLOWING THE GNI PRINCIPLES



ANNUAL REPORT 2020

FOLLOWING THE GNI PRINCIPLES

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OPENING LETTER

Dear Friends,

2020 was a difficult year and I want to acknowledge the challenges that we have faced and how we managed to maintain, and in some ways expand, our commitment to better understand and reduce existing and emerging risks to freedom of expression and privacy in the information and communications technology (ICT) sector. Of all of our accomplishments this year, I am proudest of how we continued to foster opportunities for dialogue, ensuring that our work and that of our members is informed by globally diverse perspectives. Some examples of the resources we developed to keep human rights at the forefront of our collective efforts include:

- *Responding to the impacts of the pandemic on freedom of expression and privacy rights.* GNI organized learning calls to discuss the implications of using ICT data to respond to COVID-19. These calls focused on the utility of different forms of data to combat the spread of diseases and their potential impacts on privacy and freedom of expression rights of ICT users. GNI also issued a statement on network disruptions in the pandemic context, highlighting the increased importance of access to network services for communications and vital public health information.
- *Monitoring and engaging with government initiatives seeking to address harms in the digital ecosystem, such as disinformation and hate speech.* GNI published “Content Regulation and Human Rights: Analysis and Recommendations,” a report informed by GNI’s diverse, expert membership, as well as input from six virtual consultations with government actors and other key stakeholders in Africa, the EU, India, Pakistan, and the U.K.
- *Preparing and delivering submissions and statements on a variety of topics from Europe’s Digital Services Act (DSA) to network disruptions during elections.* In anticipation of the European Commission’s proceedings to finalize a draft of the Digital Services Act (DSA), a regulation which would update and expand the e-Commerce Directive (2000), GNI submitted its comments to the EU’s open consultation. These updates would transform the regulatory environment for tech companies and have wide-reaching impacts beyond the EU. GNI wrote a letter to UN Special Rapporteur on Freedom of Opinion and Expression Irene Khan prior to the November election in Myanmar, noting the risks that restrictions on digital communications pose to freedom of expression, heightened by the pandemic and the general election.



Judith
Lichtenberg

We also published the 2018/2019 public assessment report of 11 member companies: Facebook, Google, Microsoft, Millicom, Nokia, Orange, Telefónica, Telenor Group, Telia Company, Verizon Media, and Vodafone Group. The report marks the completion of the third assessment cycle of GNI. It illustrates the different ways in which ICTs uphold the GNI Principles on Freedom of Expression and Privacy (“The GNI Principles”) when facing government demands. The assessment process itself is a sustained shared learning opportunity for GNI members about the application of the GNI Principles in different environments and by increasingly different types of companies across the ICT value chain.

GNI was delighted to welcome our new independent chair of the GNI Board of Directors, human rights expert David Kaye. Mr. Kaye is one of the world’s leading voices on human rights and technology policy and we could not think of a better person to lead GNI into our second decade of work. After completing his term as the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Kaye succeeded Mark Stephens, CBE, a London-based partner at the law firm Howard Kennedy and an internationally recognized and respected human rights and free expression lawyer and advocate, as chair. GNI is immensely grateful for Mr. Stephens’ many contributions since 2014, including leading the expansion of GNI through the addition of telecommunications and equipment manufacturing companies to its membership and his support of the organization’s work to promote freedom of expression and privacy when countering extremism online.

GNI also elected a new board that will serve until 2023 and is composed of representatives from all constituencies (ICT companies, civil society organizations, individual academics and academic institutions, and investors). Each constituency nominates and elects its own board representatives to reflect a diversity of experiences, insights, and perspectives in pursuit of our mission.

GNI strives to promote collaboration between members and across constituencies in pursuit of our mission. Our membership continued to become more global and diverse with eight new members from Canada, Japan, Myanmar, Panama, and the U.S., and six fellows from Bangladesh, India, Kenya, Paraguay, Peru, and Uganda. Ultimately, the meaningful engagement of our diverse membership strengthens our ability to advocate for and uphold the GNI Principles around the world and face the ever-changing regulatory environments in which our members operate. Enhancing meaningful engagement is one of the priorities identified by the GNI Board for the board term (2020-2023), demonstrating an increased commitment to build on our existing efforts to ensure that all members can meaningfully participate in, contribute to, and benefit from GNI.

In closing, we want to thank GNI’s donors, members, and our growing staff for another inspiring year. The COVID-19 crisis will have lasting impacts on freedom of expression and privacy and the themes covered in this report will be even more critical in the months and years to come.



Judith Lichtenberg
Executive Director

SPECIAL FEATURE:



AN INTERVIEW WITH DAVID KAYE

Given your past role as a United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (2014-2020), your current position as a law professor, and your long-standing dedication to constructive engagement with different stakeholders around the world — can you share some examples about how these experiences may assist you in your new role as GNI Independent Board Chair?

DK: Technology issues dominate public debate right now in ways that often gloss over what should be the central question: how should state regulation and company behavior be structured and constrained to ensure that individuals and communities may benefit from advances in the digital age and exercise their human rights within it? Put another way, individual human rights should be at the center of these discussions, and they are increasingly diminished in favor of seemingly larger questions of international security and geopolitical competition. To my mind, it's critical to ask hard questions of governments and companies to ensure that they are accountable for their decisions that affect individual rights. Needless to say, this is at the core of the GNI's theory of change and it's why I think it's such a valuable space for these issues.

For one example, as Special Rapporteur I tried to steer security-oriented discussions toward human rights obligations and responsibilities. I have a particularly vivid memory of having a discussion with senior security officials in Tajikistan on an official country mission in 2016. Tajikistan had already become a deeply repressive place for freedom of expression, with the country harassing journalists and activists and shutting down mobile service in instances of public protest. A senior security official insisted on the importance of limiting extremism in this context, but when pressed on the government's obligations to protect expression and freedom of assembly, he was at a loss, unable to justify such draconian clampdowns. Did it change Tajik policy? No. But I think it's important to demand that governments fully and publicly justify their actions in the context of rights.

Meanwhile, private companies seek ways to resist government demands that fail to meet human rights standards. They are not always successful, and there is variation among, for instance, telco's and over-the-top services in terms of their vulnerability to government harassment. But I found, as Special Rapporteur, that engaging with them, sometimes even connecting them to activists and journalists on the ground, could deepen their understanding of the issues they face and the potential tools they have to mitigate human rights harms. Meaningful engagement - that is, the kind of genuine outreach that is designed specifically to improve human rights outcomes, not merely business profiles - can be done quietly and effectively in ways that offer stakeholders opportunities to identify common strategies, or at least strategies that work in tandem and not at cross-purposes.

How has the COVID-19 pandemic impacted free expression and privacy in the ICT space?

DK: My guess is that we are only beginning to see the impact of the pandemic on freedom of expression, privacy, and other rights. In an immediate sense, we can see how essential Internet

access has become to public debate, the economy, education, and every other human endeavor. In more specific ways, I think certain pandemic responses have brought home to people the impact of digital technologies. This is especially evident in the context of contact tracing and emerging debates over digital vaccine passports and their impact on privacy, as one can easily imagine abuse if these initiatives are tied up with concerns around surveillance technologies and practices. It is also evident in the context of company efforts to limit the spread of public health disinformation, which can have a definite impact on individual and community safety. Whether these obvious instances of the pandemic's impact have a broader, long-term effect, I think it's up to us to translate these issues to the bigger policy debates around tech regulation in positive, rights-respecting ways.

In your opinion, what is the role that GNI plays within the broader ecosystem of accountability in the ICT sector as a multistakeholder initiative and how does it complement public regulation?

DK: There are few spaces globally where the different stakeholders in the ICT sector can engage, share information, and ask hard questions in an environment of shared norms. GNI offers that in the context of its assessment process, its policy initiatives, and its learning activities. Public regulation should be seen as a matter of democratic obligation, but it is also fraught with complexity because of the way that government requirements can often lead to consequences that undermine, rather than promote, freedom of expression or privacy. Because of the way in which civil society and corporate actors engage in GNI, it can be a place for thoughtful reaction and policy development. That does not mean that the different stakeholders must agree on policy or outcome, but it does provide some measure of transparency for those debates and it may provide some grounds for shared approaches particularly to government initiatives at odds with fundamental human rights protection and promotion.

In the next three years of your term as GNI Independent Board Chair:

What do you see as the GNI's role in the ever-changing regulatory environment we are in — with new forms of government demands that companies and individuals are facing having significant implications for freedom of expression and privacy?

DK: GNI has a special role to play given its history, its Principles, and its membership. That role could be policy-oriented, according to which GNI can speak to emerging regulatory efforts in democratic environments and forms of government intervention in authoritarian ones. It can also have a convening function in which GNI members engage with policymakers and legislators who do not necessarily appreciate the technical and human rights features that should be centered in policy discussions. It can also enable its members to see where there is common ground amongst themselves and where they diverge, which itself is a useful exercise.

What opportunities do you see ahead for the GNI Principles to increasingly become a global standard for freedom of expression and the right to privacy in the ICT sector?

DK: The GNI Principles themselves are drawn from the human rights framework that obligates States to protect and promote freedom of expression and privacy. If we think of them in the context of the UN Guiding Principles on Business and Human Rights, we can see how the GNI Principles can be a link between human rights obligations (i.e., the State obligation to protect) and the corporate responsibility to respect those rights. There is a real opportunity for the public and private sectors not only to integrate human rights norms into their work but also for them to promote their application to protect individuals across the technology sectors and into other non-tech spaces as well.

2020

AT A GLANCE

GNI continues to work across its strategic pillars to fulfill its commitment toward freedom of expression and privacy in the information and communications technology (ICT) - with an increasingly diverse membership and under the direction and operations of its governance structure.

GOVERNANCE

- 20** board members
- 18** board alternates
- 6** committees
- 4** working groups

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FRAMEWORK

- 3** Op-Eds

[LEARN MORE](#)

LEARNING

- 10** GNI members supported the review of country reports
- 8** learning calls
- 3** clinics affiliated with GNI academic members supporting the CLFR
- 1** new working group

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POLICY

- 25** policy advocacy outputs
 - 19** policy publications
 - 6** statements and submissions
- 29** policy events
 - 12** public events
 - 12** private events
 - 5** roundtables

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MEMBERSHIP

- 73** members
 - 27** civil society members
 - 20** academics
 - 15** company members
 - 9** investors
 - 2** observer members
- 8** new members
 - 2** civil society members
 - 2** company members
 - 2** independent academic members
 - 2** observer members
- 6** fellows

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ACCOUNTABILITY

- 1** public assessment report
- 86** case studies
- 11** companies assessed
 - 6** telecommunication network operators
 - 4** Internet companies
 - 1** equipment vendor
- 2** self-assessments

[LEARN MORE](#)



THE GNI FRAMEWORK: EXTRACTING LESSONS AND PROMOTING A GLOBAL STANDARD

With new company members Line and Wikimedia Foundation, as well as new observers Cloudflare and Frontiir, GNI increased the number of technology users around the world that benefit from the standards and user protections in the GNI Framework.

GNI'S EVERGREEN HUMAN RIGHTS APPROACH

The GNI Framework embodied by the [GNI Principles](#) and corresponding [Implementation Guidelines](#) continue to be recognized by external stakeholders as a good practice in the ICT sector.

The GNI Principles are based on the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. The application of the GNI Principles is informed by the UN Guiding Principles on Business and Human Rights, the Protect, Respect, and Remedy Framework and the OECD Guidelines for Multinational Enterprises.

“Premised on international human rights norms, the GNI Principles provide member companies with non-binding standards and guidance for implementing them. Importantly, the GNI Principles state that member companies bear an express responsibility to respect and promote the freedom of expression

and privacy rights of their users. In addition, GNI member companies should be able to demonstrate their efforts in this regard.

ICT companies that are not GNI members would be best served by seeking to emulate these standards,”

noted Isa Mirza of [Foley Hoag LLP - Global Business and Human Rights](#)¹ in the JD Supra article “[COVID-19 and Global Human Rights: Shifting Priorities for Governments, Civil Society, and Companies](#).”

“Telia Company is an active member of the GNI. Our active participation stimulates shared learning on how to best respect freedom of expression and privacy and provides leverage to advocacy efforts promoting freedom of expression and privacy in the ICT industry.”

— PATRIK HISELIUS,
TELIA COMPANY



¹ Foley Hoag is one of GNI's accredited assessors: <https://globalnetworkinitiative.org/independent-assessors/>

The GNI Framework helps companies respect and advance the freedom of expression and privacy rights of their users, including when confronting government demands. It also helps create shared expectations for companies, governments, and other stakeholders.

GNI members also reflected more broadly on the importance of protecting and advancing the right to freedom of expression in the GNI series Free Expression in 2020, on the occasion of World Press Freedom Day. They discussed the importance of human rights approaches in the changing information environment as a result of the COVID-19 pandemic and its impacts on the rights of journalists, children, and individual creativity.

FREE EXPRESSION IN 2020 BLOG SERIES

[Free Expression and Creativity](#), by Jessica Fjeld, Berkman Klein Center for Internet & Society, by Jessica Fjeld, Berkman Klein Center for Internet & Society.

[Threats to Media Sustainability and Freedom of Expression in the Digital Era](#), by Michael J. Oghia and Mira Milosevic, Global Forum for Media Development

[Covid-19: A Turning Point for Independent Media?](#), by Andreas Reventlow, International Media Support

[Promoting Freedom of Expression while Fully Supporting the Fight against Child Sexual Abuse Material – How these Interests Merge](#), by Patrik Hiselius and Heddy Ring Ring, Telia Company

THE ASSESSMENT PROCESS IN REVIEW

ABOUT THE ASSESSMENT PROCESS

The GNI [assessment process](#) shows how companies from different segments of the ICT sector can commit to a common set of fundamental principles on freedom of expression and privacy. These principles are grounded in international human rights law and our collective commitment to accountability, collaboration, shared learning, and public policy. More specifically, the assessment process seeks to identify good practices, points of learning, and opportunities for improvement on how GNI company members apply the GNI Principles. Company assessments help affirm if companies have appropriate systems and processes in place to review and respond to government restrictions and evaluate how well these systems work in practice and over time.

The assessment process uses case studies to examine how companies respond when they receive government requests that threaten users' freedom of expression and privacy rights. The 2018/2019 assessments included an examination of 86 case studies which looked at how companies deal with government requests and demands in practice in different geographies and operating environments.

"Throughout the assessment process, we examined case studies discussing how companies apply the GNI Principles to respond to requests from governments to censor content, restrict access to communications services, or provide access to user data. The cases also offered important learning opportunities about the application of GNI Principles in different jurisdictions, even when the laws in place may limit transparency."

— KYUNG SIN PARK,
KOREA UNIVERSITY LAW SCHOOL

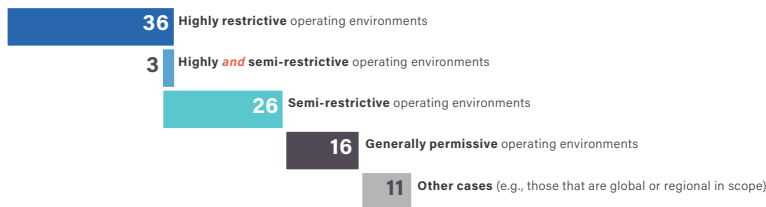
OVERVIEW OF CASES TOTAL NUMBER OF CASES REVIEWED: 86

A single case may cover multiple topics. For example, a particular government demand may impact both the free expression and privacy rights of a company's users. Similarly, a case may consist of a single instance or multiple sets of similar incidents. A case could also represent how a company operates in a particular environment, rather than how it responded to a specific government request. See [Assessment Toolkit](#), p.7

CASES BY OPERATING ENVIRONMENT

CASES BY OPERATING ENVIRONMENT

The Case Selection Guidance provided by GNI non-company members highlighted threats to freedom of expression and privacy across different operating environments. These operating environments are classified as highly restrictive, semi-restrictive, and generally permissive. The assessors and companies used this guidance as part of the case selection process.



CASES BY TYPE

CASES INVOLVING A SPECIFIC GOVERNMENT REQUEST: 56



CASES RELATED TO THE BROADER CONTEXT OF COMPANY OPERATIONS: 30¹⁹



Examples of other types of broader context cases:

- Grievance mechanisms
- Transparency reporting about government restrictions and demands
- Updating policies and procedures
- Human rights impact assessments
- Litigation related to freedom of expression and privacy

¹⁹ Cases about the broader context of company operations are about implementing the GNI Principles but are not about specific government requests and demands. They may look at how due diligence processes work in practice, company interactions with governments outside of responding to specific requests and demands, grievance mechanisms, or other topics.

The process review examines the systems, policies, and procedures a company uses to implement the GNI Principles. The individual [company determinations](#) in the public report provide more information about unique and noteworthy aspects of each company's approach, as detailed in the assessment reports. It is important to note that the implementation of the GNI Principles is not a one-size-fits-all exercise, and that the policies and processes examined during the assessment process are applied in a wide range of contexts, from routine matters to highly complex and sensitive situations.

IMPROVED TRANSPARENCY AND ACCESSIBILITY

Throughout the 2018/2019 assessment process, GNI implemented 26 recommendations from the 2016 assessment review, developed and deployed the [Assessment Toolkit](#), and increased the level of transparency and accessibility of the 2018/2019 [public assessment report](#). The report shares findings from assessments of 11 member companies: Facebook, Google, Microsoft, Millicom, Nokia, Orange, Telefónica, Telenor Group, Telia Company, Verizon Media, and Vodafone Group. It provides insight into:

"We determined that our standard of review should be whether each company is making good-faith efforts to implement the GNI Principles with improvement over time, a standard that necessarily focuses on process, rather than outcomes. The GNI is a rule of law organization—we are pushing for greater respect for human rights, but we would be inconsistent and reckless if we asked companies to ignore local laws, even when we disagree with them."

— ADAM KANZER, BNP PARIBAS ASSET MANAGEMENT

- The ways that a diverse and growing number of companies from across the ICT sector — from social media platforms to mobile operators and equipment vendors -- are exercising their responsibility to uphold the rule of law and respect the freedom of expression and privacy rights of billions of users and customers, while also grappling with increasingly sophisticated government measures to assert control over online content and digital communications.
- The external operating environments for companies, including ongoing challenges around state surveillance and impediments to transparency, difficulties in responding to government-ordered network disruptions, and the need for greater collaboration with civil society and other stakeholders to engage governments to bring their laws and policies into alignment with international human rights norms.

To complement the launch of the public report, GNI prepared a press release and an executive summary in Arabic, Chinese, English, French, Hindi, Portuguese, Russian, Spanish, and Turkish. GNI also published a special [newsletter](#) issue focusing on assessment, which generated traffic to the public report and related materials available in different languages. During the first month of the release, the assessment press release was among the top three most visited pages on the GNI website and the report was widely disseminated in GNI members' networks.

GNI members, including CELE, Derechos Digitales, Fundación Karisma, GFMD, Hiperderecho, Internet Sans Frontières, IPANDETEC, Millicom, R3D, Telenor, and WOUGNET, amplified the assessment report and used the materials in English, French, and Spanish. External stakeholders and collaborators like Access Now, the Council of Europe, Coding Rights, Heartland Initiative, and Media Rights Agenda also showed their support to GNI by endorsing the public assessment report, thereby increasing its visibility and credibility in the digital rights sphere.

INTEGRATING THE GNI PRINCIPLES INTO COMPANIES' BUSINESS OPERATIONS

Company assessments collectively offer a diverse sample of ways to enhance and expand business operations to uphold the GNI Principles. These may include training on freedom of expression and privacy risks, with varying approaches, or developing tools and guidance on topics such as human rights due diligence and impact assessments, which can be integrated into decision making processes to align with the GNI Principles, Implementation Guidelines, and the UN Guiding Principles on Business and Human Rights.

In the Op-Ed "[Companies Must Defend Digital Rights in the Covid-19 Era](#)," published by Project Syndicate in June, Mark Stephens, CBE, GNI's Independent Board Chair at the time, reflected on the assessment report's findings and how companies can employ due diligence to identify censorship and surveillance risks in order to avert or mitigate them. Stephens cites, for example, GNI members' efforts, including Nokia's process for evaluating equipment sales and Microsoft's inclusion of lawyers in its business groups to support the company in protecting users' rights.

"Across issues such as network disruptions, surveillance, and intermediary liability, GNI members commit to upholding the organization's principles to promote the rights to freedom of expression and privacy online. The GNI assessment report provides a glimpse into how major information and communications technology (ICT) companies are upholding this commitment."

— **ISEDUA ORIBHABOR**
AND PETER MICEK,
ACCESS NOW

In the case of government demands to disrupt network services, Internet and telecommunications providers are often caught between their legal obligations in the jurisdiction in which they are operating and their human rights obligations. In the Op-Ed [“Five Ways Telecommunications Companies Can Fight Internet Shutdowns,”](#) published by Lawfare in August, GNI Program Director David Sullivan extracted some lessons from the public assessment report and identified a set of practical steps that companies dealing with these competing pressures can take to uphold their responsibilities and work together with advocates to discourage government disruption orders. These include clarifying legal obligations, documenting all demands to serve as evidence for future litigation, narrowing the extent of the shutdown as legally feasible, increasing transparency, communicating regularly with users, and joining advocacy efforts against Internet shutdowns.

The Op-Ed is also available in [Chinese](#), [Indonesian](#), [Russian](#), and [Spanish](#) and was published in the [Bangkok Post](#), [Enanyang](#) (in Chinese), [EcoFin](#) (in Czech), [Finanz und Wirtschaft](#) (in German), [Journal de Negocios](#) (in Portuguese), [The Gulf Times](#), [New Europe](#), and [24 World News](#).

PREPARING FOR THE NEXT ASSESSMENT CYCLE

In preparation for the next assessment cycle, which will include 13 company members, GNI formed a Case Selection Guidance Working Group and two companies presented their self-assessments to the GNI Board.

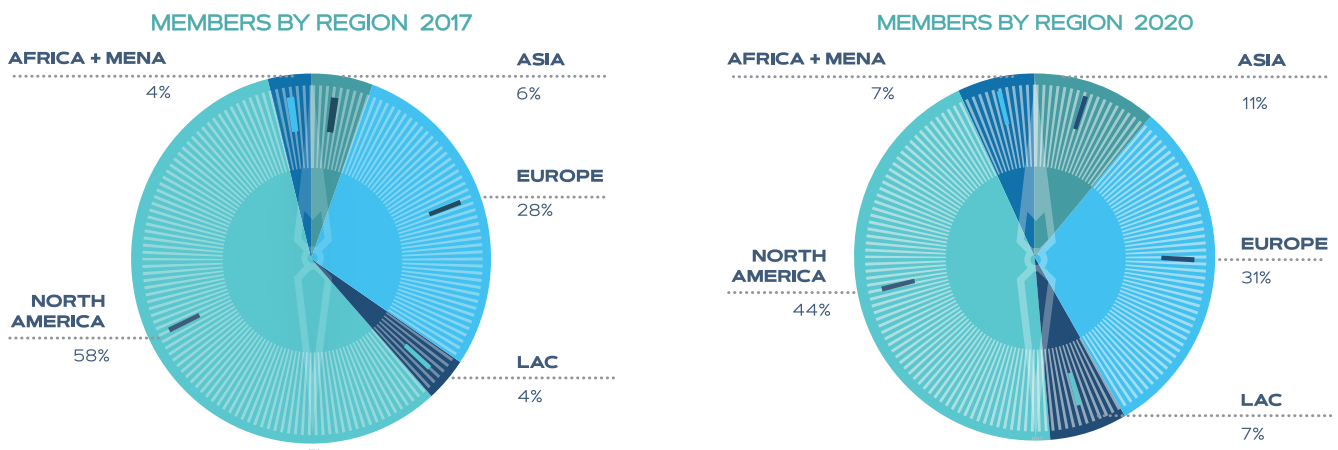
- The Case Selection Guidance Working Group was formed from GNI’s academic, civil society, and investor board members and alternates to work throughout the assessment cycle to revise the existing summary of the [case selection guidance \(CSG\)](#). This resource provides GNI participants and assessors with indicators and examples of how government laws or practices may require ICT companies to hand over user data, facilitate abusive surveillance, restrict anonymity, or restrict access to content.

In preparation for the company assessments, the working group will strive to identify a representative set of cases (with inputs from the wider GNI membership) that are most salient or illustrative of a company’s approach to implementing the GNI Principles. During the assessment cycle, the working group will organize a consultation with each participating company and their assessor to discuss the CSG in detail.

- In 2020, BT and Ericsson presented their self-assessments to the GNI Board, in accordance with [Appendix I](#) of the Assessment Toolkit. The GNI assessment cycle is structured so that after the first year of membership, companies are required to complete a self-assessment. The idea is that members need that period to adjust their business to the GNI Principles. Subsequently, the company undergoes independent assessment.

NEW MEMBERS AND OBSERVERS

GNI is committed to preserving and increasing regional diversity as our membership grows. Since 2017, GNI has welcomed 20 new members from different regions around the world. Regional diversity is integral to the *global* nature of GNI, as it allows members to share local insights and on-the-ground perspectives with each other. We nearly doubled the percentage of members from outside Europe and North America between 2017 and 2020: member organizations based in Africa and the Middle East now account for 7% of GNI's membership, up from just 4% in 2017. We doubled the number of organizations and companies based in Latin America and the Caribbean (LAC); and we added five new members based in Asia, which now represent 11% of GNI's membership (up from 6% in 2017).



In 2020, GNI welcomed two civil society organizations: Dangerous Speech Project (DSP) from the U.S. and 2019 GNI-Internews fellow El Instituto Panameño de Derecho y Nuevas Tecnologías (IPANDETEC) from Panama. Our company constituency grew to 15 members, as two observer companies became full members: LINE Corporation — the first company from Asia to join GNI — and U.S.- based Wikimedia Foundation.

Elonnai Hickok and Vivek Krishnamurthy joined the academic constituency in their independent capacities. Both Mr. Krishnamurthy and Ms. Hickok have been long collaborators of GNI over the years and we are delighted that they will continue to support our work.

GNI also welcomed two new observer companies: Cloudflare, the first web-infrastructure and security company to join GNI, and Frontiir, a leading Internet service provider in Myanmar.

JOINING THE CIVIL SOCIETY CONSTITUENCY

Dangerous Speech Project (DSP) [United States](#)



DSP works to understand how speech increases the risk of intergroup violence and strives to diminish its harmful effects. DSP's work is grounded in the observation that episodes of mass violence are typically preceded by a long period of increasingly dangerous speech

– including speech that dehumanizes its targets or frames them as a threat to the integrity of a population. They are based in Washington, D.C. and have staff in the Bay Area and Mexico City.

El Instituto Panameño de Derecho y Nuevas Tecnologías (IPANDETEC) Panama

IPANDETEC has become a leading voice on digital rights in Central America. They promote the use and regulation of information and communications technology and the protection of digital rights through research, learning opportunities, and strategic partnerships at national, regional, and international levels.



In 2019, IPANDETEC was one of the six civil society organizations to join the [GNI-Internews Fellowship Program](#).

JOINING THE COMPANY CONSTITUENCY

LINE Corporation Japan

LINE Corporation is a mobile messaging platform company based in Japan that offers a wide range of services including instant messaging and video call services, financial services, entertainment, and more. LINE serves 166 million users in its core markets, which include Indonesia, Japan, Taiwan, and Thailand. LINE has global offices in China, Colombia, Hong Kong, South Korea, United Arab Emirates, the United States, and Vietnam.



Wikimedia Foundation United States

The Wikimedia Foundation operates Wikipedia and other Wikimedia free knowledge projects.



They work with partners around the world to advance technology for good, create an open Internet, and to ensure that everyone, everywhere can freely access knowledge. They advocate for policies that protect access to information, privacy, freedom of expression, and Internet freedom globally.

JOINING THE ACADEMIC CONSTITUENCY

Vivek Krishnamurthy Canada



Mr. Krishnamurthy is currently a law professor at the Faculty of Law, Common Law Section of the University of Ottawa and Director of the Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic (CIPPIC). He served as an academic board member until August 2018 representing the Berkman Klein Center at Harvard University, a community he continues to be a part of, and has worked on corporate social responsibility and privacy and data security practices at Foley Hoag, LLP.

Elonnai Hickok United States



Ms. Hickok served on the GNI Board as an alternate board member for the NGO constituency when she was Chief Operating Officer for India-based GNI member the Centre for Internet & Society India (CIS). She has extensive research experience on issues relating to privacy, freedom of expression, surveillance, artificial intelligence, and intermediary liability.

JOINING AS COMPANY OBSERVER MEMBERS

Cloudflare United States



Cloudflare is a web-infrastructure and security company that powers more than 25 million web properties operating in over 100

countries. They have partnered with best-in-class interconnection platforms in 23 global markets to offer private, secure, software-defined links with near instant-turn-up of ports.

Frontiir Myanmar



Frontiir is the leading Internet service provider in Myanmar

with two research centers in the U.S. and an office in Singapore. Frontiir offers affordable digital access and information services through the systematic development of network infrastructure and by optimizing designs for deployment efficiency in both capital and operations cost for both public and private customers.

"As Cloudflare continues to expand its global network, we think there is more we can do to formalize our commitment to help respect human rights online. To that end, we are excited to announce that we have joined GNI, one of the world's leading human rights organizations in the information and communications Technology (ICT) sector, as observers."

— PATRICK DAY, CLOUDFLARE

"GNI is an important forum for Frontiir to be able to address requests from the government in terms of censoring content, restricting access to communications services, or providing access to user data."

— MINN THEIN, FRONTIIR

GNI-INTERNEWS FELLOWS SNAPSHOTS

Six civil society organizations from Africa, Latin America, and South Asia participated in the 2020 GNI-Internews Fellowship Program. The program, led by GNI in collaboration with Internews, provides support for organizations with exceptional digital rights and policy advocacy experience to participate in activities typically reserved for GNI members. Despite the pandemic, fellows were able to participate in virtual GNI Board meetings and learning and policy calls. Fellows also worked on research projects exploring relevant aspects of freedom of expression and privacy in their countries that were documented in a GNI blog series.

[Learn more](#)

Hiperderecho is an organization based in Peru that promotes and defends fundamental human rights in the digital space to enable Peruvians to leverage ICTs as a facilitator of their individual



and collective freedoms. As Executive Director of Hiperderecho, fellow Miguel Morachimo guides the organization's work in four key areas: community education, critical research, policy advocacy, and technology development. He regularly lectures on law and technology at local universities.

Internet Freedom Foundation in India advocates for the protection of fundamental rights and



deepened digital liberties as society becomes increasingly reliant on technology. Fellow Devdutta Mukhopadhyay brings her legal expertise to analysis and litigation on issues including facial recognition, data protection, network disruptions, and more.

KICTANet is a consortium of diverse stakeholders in Kenya that works to ensure policymaking in the ICT sector takes an open, accessible, human rights-based approach characterized by multistakeholder participation. Fellow Liz Orembo is a public policy and digital security expert; she analyzes ICT policies to determine their impact on expression and privacy and is active in the ICANN community.



Management and Resources Development Initiative (MRDI) is a leading media development organization in Bangladesh. MRDI supports the country's investigative journalism ecosystem through training, mentorship, network building, research, and policy advocacy. Fellow Miraj Chowdhury brings an extensive journalism background to his leadership of MRDI's capacity building programs and policy research. He also serves as the Bangla Editor of the Global Investigative Journalism Network.



TEDIC, based in Paraguay, defends digital rights and develops open technology to protect and enhance civic participation in pursuit of social change. Applying a gender lens to all of her work, Fellow Paloma Lara Castro collaborates with local and regional partners to monitor legislation that impacts digital rights, conduct research to advance rights-respecting ICT policies, facilitate inter-institutional meetings, and promote civic engagement.



Women of Uganda Network (WOUGNET) is a Ugandan organization that promotes women's use of ICTs through technical support and training, knowledge creation and information sharing, and the promotion of gender-aware ICT policies. Fellow Sandra Aceng coordinates the Women ICT Advocacy Group (WIAG), a coalition that advocates for the integration of gender perspectives in ICT policy and analyzes threats to free expression in Africa introduced by regulatory initiatives.





POLICY ADVOCACY IN ACTION

GNI Fellows from Bangladesh, India, Kenya, Paraguay, Peru, and Uganda conducted research on Internet disruptions, online censorship and surveillance, and digital taxation.

ADVANCING GNI POLICY PRIORITIES

Members utilize GNI's unique platform to engage with and influence governments and international institutions. Through GNI, they work to independently and collectively promote the rule of law and advocate for the adoption of laws, policies, and practices that promote and protect freedom of expression and privacy in the ICT sector. Throughout 2020, GNI carried out this work in four core policy issue areas: [intermediary liability and content regulation](#), [network disruptions](#), [jurisdictional assertions and limits](#), and [privacy and surveillance](#). Examples of this work include:

- GNI issued a [Statement on Domestic Cases Asserting Global Internet Jurisdiction](#) in response to two Court of Justice of the European Union rulings — *Google v. CNIL* and *Glaw-ischnig-Piesczek v. Facebook* — with important implications for cross-border **jurisdictional assertions** over online content. Global removal orders like the ones at issue in these cases can limit the rights of domestic users to impart information and of foreign users to receive information regardless of frontiers. They can also lead to conflicts of law and undermine international comity.



- Throughout the year, GNI took part in expert conversations and presented at public events on **privacy and surveillance**, including a session at the first RightsCon Online titled: “What Happens When Companies are Taken Out of the Loop?” This session represented the latest in a series of efforts by GNI to educate stakeholders about the practice of “direct access,” which refers generally to a government’s ability to obtain user data directly from a communi-

cations network without having to request it from or even notify the responsible network operator. Building on a 2019 RightsCon session on the same topic in Tunis, GNI brought together a global, multistakeholder audience to learn about and compare direct access approaches in four different countries and raise awareness and push back against this trend. Panelists included Usama Khilji (Bolo Bhi), Smitha Krishna Prasad (Centre for Communications Governance at National Law University), Jennifer Daskal (independent academic), and Liz Orembo (KICATNet).



disruptions for freedom of expression, economic activity, public health, security, and political participation, among other risks. As part of the Freedom Online Coalition Conference in February, GNI organized “a think and do” discussion with speakers from government, civil society, and the private sector to highlight some of the biggest challenges in the fight against network disruptions and strategize effective responses. GNI was active on social media in response to social media disruptions in Belarus, Ethiopia, India and the Jammu and Kashmir region, Myanmar, and Tanzania, and underscored the acute harms caused by disruptions during a pandemic with a [Statement on Network Disruptions in the Pandemic Context](#).

- During this pandemic when individuals were increasingly reliant on digital technologies for communication and access to pertinent public health information, governments around the world continued to order **network disruptions** at alarming rates and often at politically sensitive moments. GNI undertook efforts to raise awareness on the potential harms of network



Usama Khilji
@UsamaKhilji

.@theGNI representing global tech companies, civil society, academia, & investors express concern on social media rules:

“GNI & its members stand ready to engage thoughtfully & respectfully with govt of Pakistan on how best to address content regulation”



Risks of New Rules in Pakistan | Global Network Initiative
The recently-approved Rules Against Online Harm create significant risks for the privacy and free expression rights ...
globalnetworkinitiative.org

5:57 AM · Feb 27, 2020 · Twitter for iPhone



Peter Micek
@lawyerpants

Thank you @theGNI for this clear statement on internet shutdowns during the pandemic.

Intentionally degrading and disrupting networks delays emergency services and threatens people’s ability to receive treatment.

“Ultimately, this leads to more lives lost.”

#KeepItOn 

3:48 PM · May 4, 2020 · TweetDeck

ADDRESSING HARMFUL ONLINE CONTENT AND CONDUCT WHILE RESPECTING HUMAN RIGHTS

Principles of good governance and human rights compel governments to understand and address public and private harms within their jurisdictions. Since policymakers and regulators around the world are increasingly concerned about various forms of online content and conduct, it is no surprise that many are considering how different forms of state action may help or hinder efforts to address these concerns.

In 2020, GNI members collaborated to identify and analyze more than 20 recent governmental initiatives that claim to address various forms of digital harm, efforts we define as content regulation. Informed by this analysis and virtual consultations targeting government officials and other key stakeholders on four continents, GNI published [Content Regulation and Human Rights: Analysis and Recommendations](#) in October. The brief examines these initiatives using a human rights lens, identifies key trends, and offers practical guidance for governments and other stakeholders on how to formulate and implement content regulations that are effective, fit-for-purpose, and enhance the rights to freedom of expression and privacy.

“As this brief notes, there are no off-the-shelf solutions to complex regulatory issues, and content regulation is no exception. We are eager to continue working with policymakers to promote risk-based and tailored responses to user-generated content that reflect these distinctions.”

— NICOLE KARLEBACH,
VERIZON MEDIA



In May, GNI brought together David Kaye, then UN Special Rapporteur on the promotion and protection of freedom of opinion and expression, Council of Europe Commissioner for Human Rights Dunja Mijatović, and a set of experts from GNI’s multistakeholder membership to explore a human rights-based approach to content regulation in the context

of the EU’s Digital Services Act (DSA). The DSA has the potential to transform the regulatory environment for companies and have wide-reaching impacts beyond the EU. The event, [The Rights Foundation: Building Human Rights into the DSA](#), was attended by nearly 150 non-GNI members, with staff from the offices of six members of the European parliament, three representatives from the European



Commission, and public officials from France, Germany, Ireland, the Netherlands, Portugal, and Spain, along with academics, civil society, companies, and experts from intergovernmental organizations.

That public session was followed by a series of more targeted, private roundtables focused on jurisdictions that were actively considering new content regulations:

[Content Regulation & Human Rights in the Digital Age: Multistakeholder Roundtable on the Digital Services Act](#): European Parliament Member Alex Saliba delivered opening remarks at the closed-door session in which participants examined key provisions of the EU's anticipated DSA through the lens of international human rights law and principles. GNI members introduced and moderated discussions on four topics: (i) scope of content and services; (ii) notice-and-action framework; (iii) transparency requirements; and (iv) enforcement and remedy.

[India's Draft Intermediaries Guidelines Amendments Roundtable](#): GNI hosted this event with GNI civil society member Software Freedom Law Center India to examine key provisions of India's 2018 Draft Intermediaries Guidelines (Amendment) Rules through the lens of international human rights law and principles. The discussion was organized around the principles of legality and legitimacy, necessity and proportionality, and privacy. GNI's draft Content Regulation Policy Brief was presented as a framework for considering good policy practice.

[Digital Content Regulation in Pakistan Roundtable](#): GNI company member Facebook and Pakistan-based civil society member Bolo Bhi shared insights about the global landscape of digital content regulation in the context of proposed Rules Against Online Harm in Pakistan, which GNI had [spoken out](#) on earlier in the year. The discussion considered jurisdiction-specific challenges and the recent history of online censorship in Pakistan that dates back to the parent legislation authorizing the rules, the 2016 Prevention of Electronic Crimes Act.

[Content Regulation in the U.K. Roundtable](#): Participants working on legal and policy issues in the U.K. discussed the implications of international human rights standards for content regulation in the context of the U.K. Online Harms White Paper. The discussion acknowledged legitimate concerns about online harms while considering the rights implications of four different areas for regulatory deliberation: codes of conduct, duty of care, remedy, and privacy. We were grateful to representatives from the U.K. Department for Digital, Cultural, Media and Sport (DCMS), and Ofcom, UK's communications regulator, for their active participation.

[Trends in Content Regulation in Africa and Beyond](#): As part of the Forum on Internet Freedom in Africa ([FIFAfrica](#)) panelists from academia, business, and civil society shared insights on current approaches to content regulation in various countries in Africa, identifying issues and possible multistakeholder solutions. Speakers included Berhan Taye (Access Now), Charlie Martial Ngounou (AfroLeadership), Jeanne Leonne (Facebook), Molly Land (University of Connecticut Human Rights Institute), and Muthoki Mumo (Committee to Protect Journalists).

"There is growing consensus on the need to address legitimate concerns about digital content and conduct. It is critical, however, that governments are deliberative and flexible in their approaches, otherwise, we risk enabling more restrictive models of content regulation. This carefully thought out and constructive paper is a must read for government officials and other actors working to address these issues in a rights-respecting manner."

— DAVID KAYE

GNI's blog series on [Content Regulation and Human Rights](#) featured contributions from GNI staff and members providing practical guidance to those seeking to regulate content while upholding human rights, exploring in greater detail some of the legal and regulatory considerations discussed at the regional consultations. This series garnered 2,300 views over a five-month period.

- [The Rights Foundation: An introduction to a new blog series on content regulation and human rights](#), Jason Pielemeier, GNI
- [The Digital Services Act and Online Content Regulation: A Slippery Slope for Human Rights?](#), Richard Wingfield, Global Partners Digital
- [Thinking Through Transparency and Accountability Commitments Under The Digital Services Act](#), Spandi Singh, Open Technology Institute
- [Pulling Back the Curtain on the 'Black Box': How the Digital Services Act Will Legislate Algorithmic Auditing](#), Ilse Heine, GNI
- [The Balancing Act of Content Moderation in Europe: Lessons from the French "Avia Law" for the Digital Services Act](#), François-Xavier Dussart, Verizon Media
- [Remedy and Enforcement in the Digital Services Act](#), Molly Land, UConn Human Rights Institute
- [The Digital Services Act: An Opportunity to Build Human Rights Safeguards into Notice and Action](#), Emma Llansó, Center for Democracy and Technology
- [From India to US, Forcing Proactive Policing of Online Content Is Censorship by Proxy](#), Mishi Choudhary and Prasanth Sugathan, Software Freedom Law Centre/ SFLC.In
- [The UK's Online Harms Bill: Potential Implications for the Right to Privacy](#), Richard Wingfield, Global Partners Digital.

PUBLIC RESPONSES TO CONTENT REGULATION EFFORTS THREATENING FREEDOM OF EXPRESSION AND PRIVACY

Governments continue to introduce content regulation, including a number of proposals that could increase pressure on companies to remove content or share access to user data at risk of significant legal penalty. GNI responded to a number of these proposed laws publicly. Examples include:

[GNI Expresses Serious Concern Regarding Pakistan's Rules Against Online Harm.](#) In February, GNI addressed the lack of public consultation and the broad scope of the "Citizens Protection (Rules Against Online Harm) 2020," which offered broad and unspecified authorities for Pakistani government authorities to order removal of content and facilitate access to ICT users' data. The statement was covered in the Pakistani newspaper Dawn and [amplified](#) by local actors. The government claimed to have rescinded the rules and stated its plans to engage in further consultation after the public outcry, but the legal status of the rules remained unclear throughout the year.

[GNI Expresses Concern About Proposed 'Fake News' Law in Brazil.](#) The statement responded to how the proposed legislation would violate privacy rights and freedom of expression, including by mandating the immediate removal of content related to criminal activity and requiring companies maintain the ability to trace content to specific identities. GNI called on Brazil's government to

reject the proposed bill and to conduct comprehensive multistakeholder consultation on how to best address online disinformation prior to drafting additional legislation. While the bill did pass in the Senate soon afterward, it never made it out of Congress in 2020.

In July, GNI issued a [Statement on Proposed Social Media Bill in Turkey](#) which would compel social media companies to establish local offices and store user data within Turkey and impose strict timelines for complying with orders to remove content under threat of significant penalty. This statement advocated for cross-constituency collaboration in the country to ensure that legislation does not disproportionately impact users' rights, but the bill was unfortunately passed quickly. GNI's statement was covered by a German-language [Swiss publication](#).

In September, GNI issued a formal submission to the European Commission's open consultation on the Digital Services Act. We shared recommendations for rights-respecting regulations from the policy brief, focusing on three core questions the commission was seeking input on: 1) Safety and Responsibility; 2) Liability Regime; and 3) Governance and Enforcement. Our submission is available in this blog post, [GNI's Submission to the Open Consultation on the EU Digital Services Act](#).

GNI's human rights-based approach is more relevant than ever as stakeholders attempt to respond to extremism, disinformation, and other threats in the digital ecosystem. In the Op-Ed "[The Right Way to Regulate Digital Harms](#)," David Kaye and GNI policy director Jason Pielemeier look at how the human rights law principles of legality, legitimacy, and necessity can provide a constructive way forward for policymakers to respond to toxic content online. The Op-Ed is also available in [Chinese](#), [Russian](#), and [Spanish](#) and was re-published by [The Jordan Times](#), [The Philippines Daily Inquirer](#), [My Republica in Nepal](#), and the Singaporean-Chinese newspaper [Zaobao](#).

HIGH-LEVEL ENGAGEMENTS IN SUPPORT OF RIGHTS-RESPECTING ICT LAWS AND POLICIES

GNI utilizes its uniquely authoritative platform to engage with policymakers and stakeholders and in international initiatives to shape the legal and regulatory conversations on ICTs toward policies and practices that protect and enhance human rights and the rule of law.

DIRECT ENGAGEMENT WITH POLICYMAKERS

In February, ahead of GNI's content regulation consultation series, GNI Executive Director Judith Lichtenberg met with representatives from the European Commission as well as the staffs of multiple Members of the European Parliament to directly discuss content regulation in Europe — specifically the ongoing consultations on the Digital Services Act and the proposed terrorist content regulation in Europe — which GNI had previously [spoken out on](#). GNI continued to engage with EU officials through the consultation series for the policy brief, as well as by joining formal consultations led by Member of European Parliament Alex Agius Saliba, who was the lead rapporteur for the Internal Market and Consumer Protection committee responsible for the DSA file.

Throughout the year, GNI met directly (mostly virtually) with policymakers, including representatives from governments of Ireland and the U.S., as well as intergovernmental organizations such as the Council of Europe and the UN, covering issues including network disruptions,

surveillance technologies, and the sharing of electronic evidence across borders. This is in addition to engagement with government officials that took place through our content regulation consultation series.

In October, GNI submitted a [letter](#) to Irene Khan, the UN Special Rapporteur for freedom of expression and opinion offering support in her new role, welcoming her appointment, and expressing concerns regarding ongoing restrictions on freedom of expression in Myanmar, including network disruptions, website blocking, and efforts by governmental actors to manipulate social media platforms. Special Rapporteur Khan responded directly and GNI continues to engage with the Special Rapporteur on ongoing digital rights challenges in Myanmar.

INTERNATIONAL MULTISTAKEHOLDER POLICY INITIATIVES

GNI works with partner organizations and in [international fora](#) to advance its policy priorities. In expert conversations and projects developing new governance models and guidance for the global ICT sector, GNI brought members' shared perspectives and commitments to freedom of expression and privacy to the table. As GNI detailed in the 2019 annual report, GNI continues to participate in the Freedom Online Coalition Advisory Network, helping inform the multilateral engagement of 32 governments committed to collaborating to advance Internet freedom, as well as the Internet and Jurisdiction Policy Network, joining experts across sectors to explore important questions around jurisdiction on the borderless Internet with implications for human rights and the rule of law.

In 2020 GNI continued to engage with initiatives exploring responses to alleged online extremism. GNI remained involved with the Christchurch Call Advisory Network, working with other civil society groups representing a range of perspectives, including human rights, media freedom, counter-radicalization victim support, and policy-focused research, to provide expert advice to governments and companies on implementing their commitments in the [Christchurch Call](#) in a manner consistent with a free, open, and secure Internet and with international human rights law.

In addition, GNI began participating in the [Global Internet Forum to Counter Terrorism](#) (GIFCT) working group on “legal frameworks” as well as an expert group established by the Organization of Economic Cooperation and Development (OECD) Committee on Digital Economy Policy to advise on a [Voluntary Transparency Reporting Project on Terrorist and Violent Extremist Content](#), supported by the governments of Australia, Canada, New Zealand, and South Korea. Through participation in a working group and a higher-level “plenary plus” group, GNI provided input to ensure the proposed voluntary framework for transparency reports prioritizes access to information for the public to understand the human rights risks of possible company responses, including around government reports. GNI's inputs also took into account the importance of documenting steps taken to address legitimate concerns about alleged extremist content on their platforms. GNI staff also helped coordinate the participation of GNI civil society and company members as part of the process.

SUPPORTING RESEARCH IN AFRICA, LATIN AMERICA, AND SOUTH ASIA

As part of the GNI-Internews Fellowship, GNI supported fellows from Africa, Latin America, and South Asia. The fellows designed and implemented advocacy-oriented research projects covering digital rights topics in their respective countries of operation, utilizing GNI's membership and platform to gather insights and feedback on their work, evaluate the impact of different government policies on internationally accepted rights to freedom of expression and privacy, and explore how multistakeholder engagement can improve each case. In the GNI blog series [Fellows 2020](#), fellows published blog posts to describe their research projects at the beginning of their fellowship and then followed up with pieces presenting their progress and results at the end.

Fellows also participated in programming open to all members, including policy and learning calls and special calls convened by the non-company members.

GNI-INTERNEWS BLOG CONTRIBUTIONS

- Jean Louis Fendji Ebongue Kedieng from AfroLeadership worked on a [“Research Study on Internet Connectivity in Cameroon”](#) (December)
- Miguel Morachimo from Hiperderecho developed an online advocacy hub to draw attention to a legal loophole in Peru that enables websites and mobile apps to be blocked without democratic safeguards or process.
 - [“Digging Deep into Silent Internet Censorship in Peru”](#) (July)
 - [“Error 404: Football and Music, the First Victims of Silent Censorship on the Internet, But Surely Not the Last”](#) (December)
- Devdutta Mukhopadhyay from the Internet Freedom Foundation collected and analyzed primary data on website blocking and network disruptions in India and researched strategies used by litigators to challenge these measures before constitutional courts.
 - [“Mapping the Cycle of Internet Censorship in India”](#) (July)
 - [“Internet Censorship in India: Peeking Under the Hood”](#) (December)
- Liz Orembo from KICTANet studied the impact that Kenya's new taxes on international companies has on Internet access and human rights in the country.
 - [“Understanding Digital Taxation in Kenya”](#) (June)
 - [“Balancing Between Revenue Collection and Internet Access”](#) (December)
- Miraj Ahmed Chowdhury from Management and Resources Development Initiative documented cases of journalist account removal on social media to understand the contours of troll-facilitated manipulation in Bangladesh.
 - [“How Social Media Platforms Can Better Protect Sensitive Speech”](#) (June)
 - [“How Critical Voices are Taken Down on Social Media, and What Platforms Can Do About It”](#) (December)
- Paloma Lara Castro from TEDIC researched how the abuse of emergency measures during crises can facilitate disproportionate surveillance and broader erosion of democratic principles in Paraguay.
 - [“Mass Surveillance in the Context of a State of Emergency”](#) (June)
 - [“Mass Surveillance in the Context of a State of Emergency”](#) (December)
- Sandra Aceng from Women of Uganda Network examined the impact of network disruptions on the freedom of expression and privacy rights of women in Uganda.
 - [“Examining the Impact of Internet Shutdowns on Women's Online Expression and Participation in Uganda”](#) (June)
 - [“Internet Shutdowns: An Evaluation of Women's Online Expression and Participation in Uganda”](#) (December)



SHARED LEARNING: RESPONDING TO LIVE ISSUES AND ENHANCING COLLABORATION

Nearly 60% of participants in learning calls represented non-company members and 30% were based outside of Europe and the U.S, in Africa, Asia, and Latin America.

DISCUSSIONS DURING A PANDEMIC: FROM PRIVACY RIGHTS TO EMERGING REGIONAL ISSUES

GNI public and private learning calls are a useful means to connect and discuss current events, including those derived from the COVID-19 pandemic, relevant country-specific topics, and broader human rights issues. These conversations between academics, civil society, companies, and investors from different regions allowed for cross-constituency discussions on a variety of issues underscoring how unique and effective GNI's multistakeholder platform is.

UNDERSTANDING THE IMPLICATIONS OF COVID-19 FOR FREEDOM OF EXPRESSION AND PRIVACY RIGHTS

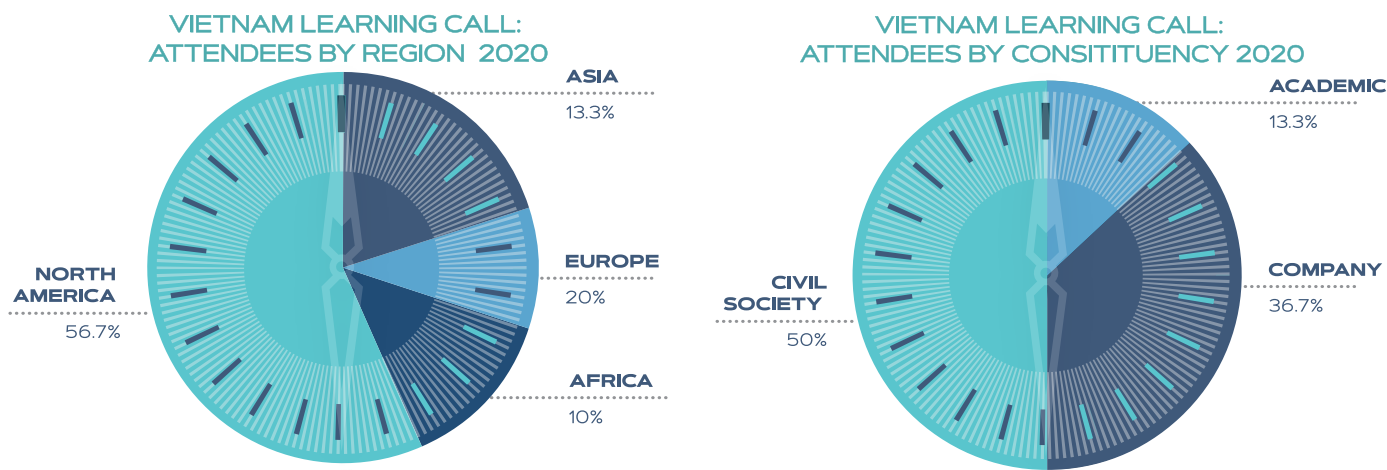
Though the global pandemic ground some gears to a halt, it ignited conversation about contact tracing, surveillance, disinformation, and implications for individual privacy. GNI hosted three learning calls about the novel coronavirus' implications for privacy in March to discuss the opportunities and risks of using ICT data to respond to COVID-19. These calls offered a space to further examine the advantages and drawbacks of collecting different types of location data. Members suggested measures that could be taken to promote public health and protect personal privacy, such as opt-in clauses and anonymity-guarantees. Each call was attended by more than 50 GNI members who discussed best approaches to respond to government requests for information in rights-respecting ways.

"GNI has done a remarkable job organizing learning calls on key and late breaking issues that its members have raised. These calls provide insights that cannot be gleaned from information in the public sphere."

— GREG NOJEIM
CENTER FOR DEMOCRACY
AND TECHNOLOGY

DISCUSSION: LAWS AND GOVERNMENTAL PRESSURES AFFECTING ICT COMPANIES VIETNAM

GNI also hosted regional calls on jurisdiction-specific challenges companies face. In April, GNI led a learning call about new and ongoing challenges ICT companies face in Vietnam due to government demands for content removal, service disruptions, and requests for user data. GNI members discussed the role of governments, proposed concrete ideas for action, and evaluated the application and utility of international legal frameworks. 23% of participants on this call were based in Africa, Asia, and Latin America. More than 60% of the call's participants were non-company members who offered insights from academia and civil society.



TECHNOLOGY, DIGITAL COOPERATION, AND HUMAN RIGHTS

Tapping into members' expertise on a variety of topics and welcoming high-level external speakers, GNI convened several calls to address topics concerning the human rights implications of the use of technology and digital cooperation for different stakeholders.

BUSINESS AND DIGITAL RIGHTS DEFENDERS

In May, GNI company members described the tools they have in place to support and protect human rights defenders in their work, through detection and notification of cyberthreats, security guidance, escalation channels, and the establishment of partnerships between platforms and organizers on the ground. Civil society members noted how imperative trust is in navigating crises, the COVID-19 pandemic being no exception, especially due to the pretext it gives to autocrats to restrict freedoms. Human rights defenders are able to shed light in dark times and to regions with little hope for democratic reform and GNI companies reaffirmed their commitment to protecting these users.

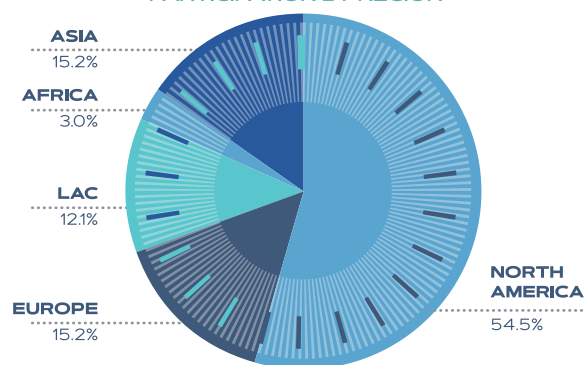
"The information sharing, learning calls, and collaboration on the Policy Committee are extremely productive ways to come to a better understanding of the ecosystem of Internet regulation, the players involved, upcoming issues, and concerns."

— JAN GERLACH,
WIKIMEDIA FOUNDATION

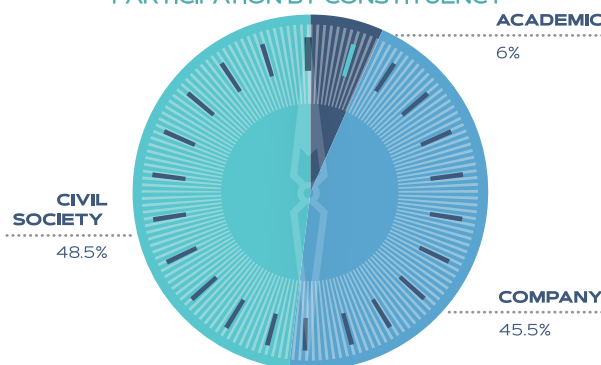
THE IMPLICATIONS OF FULLY ENCRYPTING THE WEB

In November, 41 GNI members (30% from regions other than Europe and North America and 55% from a non-company constituency) joined a call about encryption tools on the web, specifically

THE IMPLICATIONS OF FULLY ENCRYPTING THE WEB
PARTICIPATION BY REGION



THE IMPLICATIONS OF FULLY ENCRYPTING THE WEB
PARTICIPATION BY CONSTITUENCY



encrypted Server Name Indication (SNI) and Encrypted Client Hello. Cloudflare, who became a GNI observer member this year, shared their expertise on the topic together with colleagues from the Center for Democracy and Technology. Company members gave useful technical background about online encryption, while civil society members provided insights as to how the technology impacts human rights and policy.

ROUNDTABLE WITH UN UNDER-SECRETARY-GENERAL FABRIZIO HOCHSCHILD DRUMMOND

GNI hosted a roundtable in December with UN Under-Secretary-General Fabrizio Hochschild Drummond, which was attended by 38 GNI members — more than half from a non-company constituency. The event, moderated by David Kaye, focused on multilateral and multistakeholder approaches to digital cooperation and human rights. Fabrizio Hochschild Drummond shared insights about the Secretary General's High-Level Panel on and Roadmap for Digital Cooperation. He also touched on ways that the UN and GNI could work together, noting that there is space for joint collaboration in articulating key shared principles based on freedom of expression and privacy.

HRDD WORKING GROUP - In order to move forward with its work on Human Rights Due Diligence (HRDD), which was the main topic of GNI's 2019 Annual Learning Forum, GNI formed the HRDD Working Group to provide strategic direction and oversight and to collaboratively develop tools and resources that can help companies and other practitioners. GNI also participated in related projects, including the Danish Institute for Human Rights' development of guidance on the human rights impact assessment of digital activities, as well as the UN Human Rights B-Tech Project and its focus area related to HRDD and end-use.

EXPANDING AND UPDATING THE COUNTRY LEGAL FRAMEWORK IN AFRICA AND LATIN AMERICA

The Country Legal Frameworks Resource (CLFR) is a set of reports examining the legal authorities



for governments to obtain access to communications data or restrict the content of communications in 54 countries. The CLFR helps ICT companies understand the legal realities they may face in their countries of operation, including in cases where legal frameworks might authorize disproportionate restrictions or lack uniform interpretation. They also provide an evidence base for digital rights advocates and researchers to raise awareness about the legal threats to human rights online and

to push for rights-respecting legislation. The CLFR reports are hosted on a GNI web platform, launched in [2019](#), which allows users to navigate, compare, and search across the reports.

In 2020, GNI's academic and civil society members collaborated on country research for Bangladesh, Ethiopia, India, and Nigeria and undertook an examination of the full set of eight existing CLFR country reports in Latin America. Academic members supporting this research included the Berkman Klein Center at Harvard Law School and George Washington Law School's Human Rights Clinic, as well as the Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic (CIPPIC) at the University of Ottawa, led by independent academic member Vivek Krishnamurthy.

Utilizing GNI's increasingly global membership, GNI's local civil society and company members offered on the ground accounts of the legal operating environments in-country. Members collaborated across constituencies and geographies for country research and strived to build research partnerships rooted in mutual recognition, consensus, and legitimacy while identifying good practices for future research collaboration with local experts.

Target countries were selected with input from local civil society organizations and with consideration to the in-country experiences of clinic researchers. Civil society members also helped identify significant changes in legal powers or their application for project countries. Members shared resources and research guidance, helped interpret ambiguities in laws and regulations, and reviewed full draft reports or report updates from the clinics, while also providing valuable perspective on the research and review processes as a whole.

This work would not have been possible without the support of the following GNI members and we are extremely grateful for their support:

- Agustina Del Campo, GNI academic member from the Center for Studies on Freedom of Expression and Access to Information (CELE);
- Chinmayi Arun, GNI independent academic member;
- Faculty and students at Harvard Law School, University of Ottawa, and George Washington University Law School;
- GNI civil society members CIPESA, Derechos Digitales, Fundación Karisma, IPANDETEC, Paradigm Initiative, R3D, the Center for Communications Governance at National Law University, and Management and Resources Development Initiative.

"We are grateful to GNI independent academic members Chinmayi Arun and Agustina Del Campo for their inputs on how to use this collaboration to build equitable partnerships to benefit stakeholders outside the Global North. Supporting models and structures that will be useful in other projects is an exciting opportunity to be a part of."

— JESS FJELD,
BERKMAN KLEIN CENTER
FOR INTERNET AND SOCIETY
AT HARVARD UNIVERSITY

"For IPANDETEC it is essential to participate in initiatives that allow us to represent the entire Central American region and not just Panama. Activities like reviewing the country reports for El Salvador, Guatemala, and Honduras expanded our understanding of legal frameworks in the region."

— ABDIAS ZAMBRANO,
IPANDETEC



GOVERNANCE

In 2020, we more than tripled representation on the board from Global South countries: 15.5% of board representatives are from Asia, 6% from Latin American, and 2.5% from Africa.

NEW LEADERSHIP AND BOARD TRANSITION

GNI welcomed human rights expert David Kaye as its new Independent Board Chair. Mr. Kaye brings with him a wealth of international human rights law experience, having completed his term as the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. GNI is eager to work with David to continue to advance privacy and freedom of expression rights globally.

Mr. Kaye succeeds Mark Stephens, CBE, a human rights lawyer and advocate for free expression, to whom we are immensely grateful for his stewardship over the past six years. Mark led us through important milestones such as the industry dialogue merger, a larger than ever assessment process, and the revision of our framework, to name a few.

In April, GNI elected a new board to serve until 2023. Each constituency nominates and selects its own board members, being mindful of the need for a high level of competency and participation. Constituencies strive to nominate and approve board members that together will constitute a balanced board with a diversity of experiences, insights, and perspectives. At this time GNI Board members and co-founders of GNI Arvind Ganesan (Human Rights Watch), Bennett Freeman (EIRIS Conflict Risk Network), and Robert Mahoney (Committee to Protect Journalists) stepped down from the board. Their valuable contributions to GNI over the years have significantly impacted who we are as an organization for which we are deeply grateful to them.

"In India we have always counted on David Kaye to speak on behalf of Internet freedom, particularly when network disruptions continue to be on the rise. Now we have the opportunity of working together in the GNI Board to continue protecting civil liberties for all in the digital world."

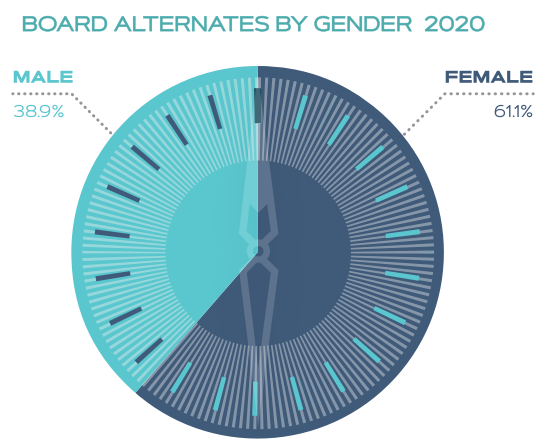
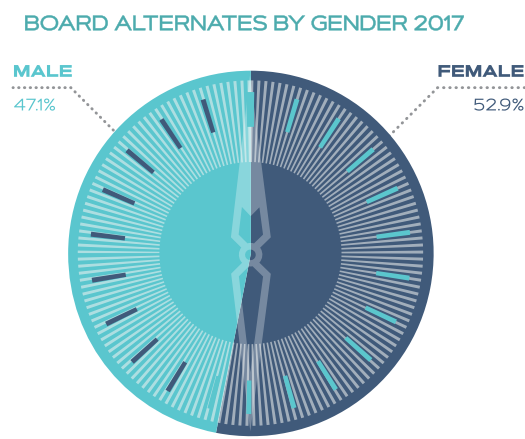
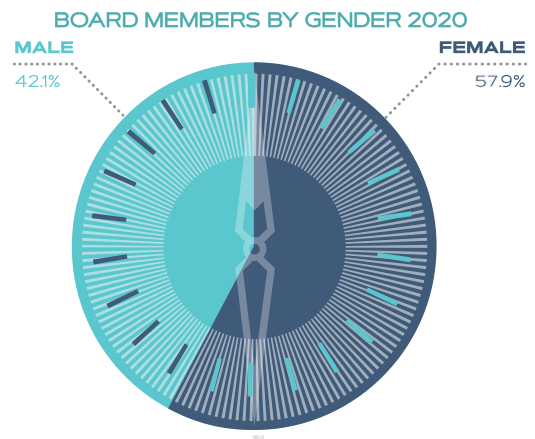
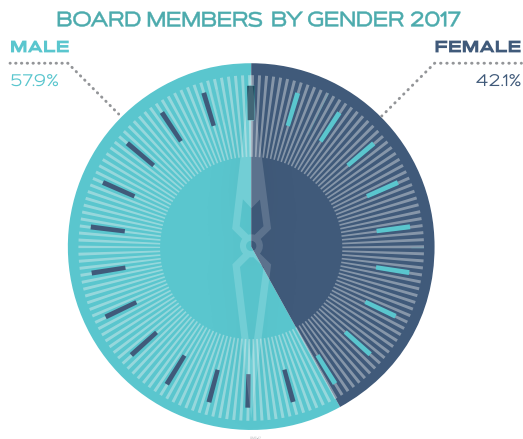
— MISHI CHOUDHARY,
SFLC.IN

Lillian Nalwoga from CIPESA and Mishi Choudhary from Software Freedom Law Center India were elected to the board to represent the NGO constituency, as the three-year board term of their predecessors had lapsed. María Paz Canales from Derechos Digitales and Deborah Brown from Human Rights Watch were selected to serve as alternate board members.

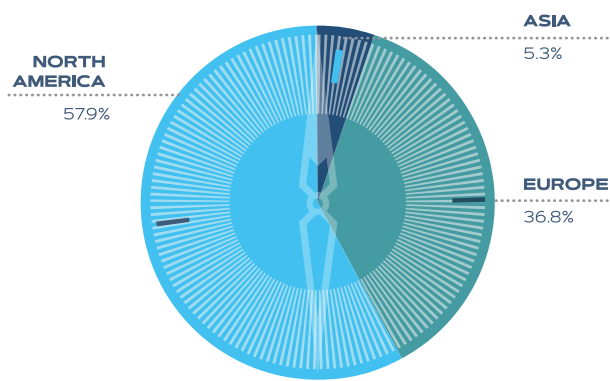
GNI's leadership strives to reflect the diversity of its membership in an inclusive manner. Since 2017, female representation on the board has increased by 16%. Women currently make up 59% of the board, including board alternates. In 2020, we more than tripled representation on the board from Global South countries: 15.5% of board representatives are from Asia, 6% from Latin American, and 2.5% from Africa.

David Kaye's work has raised awareness of modern threats to freedom of expression in Latin America, like state surveillance and the provision of surveillance technologies by private companies, and further developing human rights standards through his reports and advocacy. His experience will bring important lessons for all stakeholders that are part of GNI, to effectively take into account the human rights impact of the ICT sector."

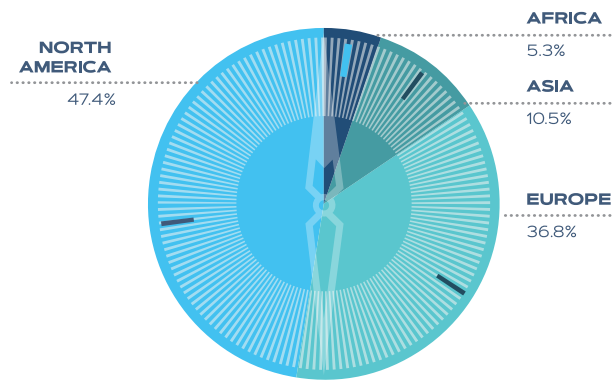
— MARÍA PAZ CANALES,
DERECHOS DIGITALES



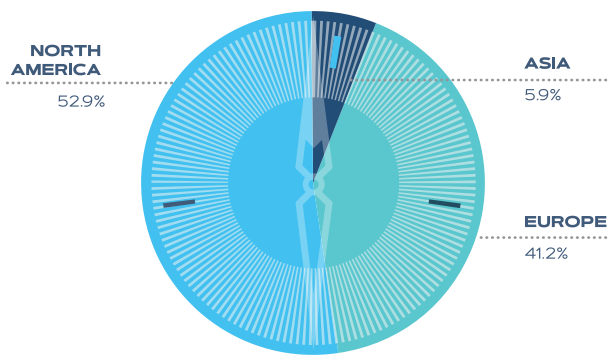
BOARD MEMBERS BY REGION 2017



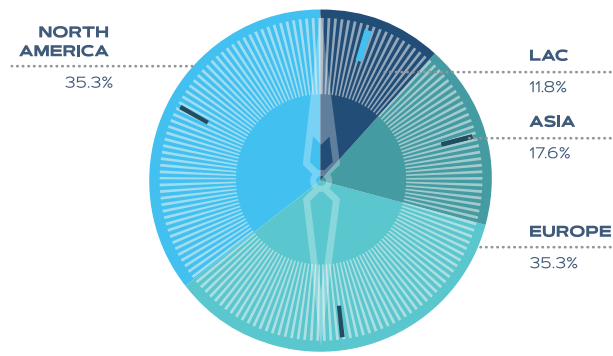
BOARD MEMBERS BY REGION 2020



BOARD ALTERNATES BY REGION 2017



BOARD ALTERNATES BY REGION 2020



The composition of the GNI Board reflects the diversity of GNI's members. There are up to 10 company representatives, up to five representatives from civil society, up to two from the academic constituency, up to two from the investor constituency, and an independent chair. There is one additional seat for an academic or investor representative, alternating between the two constituencies every 18 months. Each board member also designates an alternate board member from within its organization or constituency.

In 2020, the following members served on the GNI Board of Directors:

BOARD MEMBERS

INDEPENDENT BOARD CHAIR

David Kaye¹

ICT COMPANIES

Miranda Sissons, Facebook

Lewis Segall, Google

Steve Crown, Microsoft

Fiona Cura-Pitre, Nokia

Yves Nissim, Orange

Anita Househam, Telenor Group

Patrik Hiselius, Telia Company

Nicole Karlebach, Verizon Media

Dorothee D'Herde, Vodafone Group²

CIVIL SOCIETY ORGANIZATIONS

Greg Nojeim, Center for Democracy & Technology

Lillian Nalwoga, CIPESA³

Charles Bradley, Global Partners Digital

Kat Duffy, Internews

Mishi Choudhary, Software Freedom Law Centre, India⁴

¹ David Kaye replaced Mark Stephens as independent board chair in October.

² Dorothee D'Herde replaced Laura Okkonen as board member in November. Previously she was board alternate.

³ Lillian Nalwoga replaced Julie Owono as board member in April.

⁴ Mishi Choudhary replaced Robert Mahoney as board member in April.

ACADEMICS AND ACADEMIC ORGANIZATIONS

Jessica Fjeld, Berkman Klein Center for Internet and Society

K.S. Park, independent academic member

Meg Roggensack, independent academic member

INVESTORS

Lauren Compere, Boston Common Asset Management ⁵

Adam Kanzer, BNP Paribas Asset Management

BOARD ALTERNATES

ICT COMPANIES

Alex Warofka, Facebook

Alex Walden, Google

Bernard Shen, Microsoft

Silvia Garrigo, Millicom

Christopher Steck, Telefónica

Moirá Oliver, BT

Théo Jaekel, Ericsson

Sarah Altschuller, Verizon Media

Daisy Johnson, Vodafone Group ⁶

⁵ Lauren Compere replaced Bennett Freeman as board member in April. Previously she was a board alternate.

⁶ Daisy Johnson joined as board alternate in November.

CIVIL SOCIETY ORGANIZATIONS

Usama Khilji, Bolo Bhi

Gurshabad Grover, Centre for Internet and Society ⁷

Maria Paz Canales, Derechos Digitales ⁸

Deborah Brown, Human Rights Watch ⁹

Andreas Reventlow, International Media Support

ACADEMICS AND ACADEMIC ORGANIZATIONS

Agustina Del Campo, Centro de Estudios en Libertad de Expresión

Chinmayi Arun, independent academic member

Molly Land, University of Connecticut, Human Rights Institute ¹⁰

INVESTORS

Corey Klemmer, Domini Investments

Emilie Westholm, Folksam

⁷ Gurshabad Grover replaced Elonnai Hickok as board alternate in September.

⁸ Maria Paz Canales replaced Emma Llansó as board alternate in April.

⁹ Deborah Brown replaced Arvind Ganesan as board alternate in April.

¹⁰ Molly Land served as alternate board member until April.

COMMITTEES AND WORKING GROUPS

Committees and working groups that report to GNI's Board and membership are core to the organization's function. The Executive Committee draws only from GNI Board members and is chaired by the independent board chair. Each of GNI's five other committees — Accountability, Development, Learning, Membership, and Policy — has two co-chairs, one representative from the company constituency and one from a non-company constituency, and is open to all GNI members. Special representatives from the constituencies not represented by the co-chairs are also appointed.

COMMITTEE	COMPANY CO-CHAIR	NON-COMPANY CO-CHAIR	SPECIAL REPRESENTATIVE
ACCOUNTABILITY	Sarah Altschuller VERIZON MEDIA	Meg Roggensack INDEPENDENT ACADEMIC	Greg Nojeim CENTER FOR DEMOCRACY AND TECHNOLOGY Adam Kanzer BNP PARIBAS
MEMBERSHIP	Moira Oliver BT	Usama Khilji BOLO BHI	Molly Land HUMAN RIGHTS INSTITUTE AT THE UNIVERSITY OF CONNECTICUT Lauren Compere BOSTON COMMON ASSET MANAGEMENT
DEVELOPMENT	Vacant	Kat Duffy INTERNEWS	Bennett Freeman, EIRIS Elonnai Hickock, INDEPENDENT ACADEMIC
POLICY	Alex Walden GOOGLE	Jessica Dheere SMEX	Agustina Del Campo CENTRO DE ESTUDIOS EN LIBERTAD DE EXPRESIÓN
LEARNING	Silvia Garrigo MILICOM	Caroline Kaeb INDEPENDENT ACADEMIC	Alp Toker NETBLOCKS

Working groups are formed on an ad-hoc basis to address specific issue areas. In 2020, the following working groups were active:

- **China and other Difficult Jurisdictions Working Group:** discusses the application of the GNI Principles in difficult jurisdictions, with a particular emphasis on China.
- **Intermediary Liability Working Group:** examines content regulation initiatives and develops recommendations to help GNI engage more proactively and effectively in the ever-expanding range of such efforts.
- **Case Selection Guidance Working Group:** revises the assessment toolkit to aid in the selection of case-studies used by assessors and companies during the assessment process.
- **Human Rights Due Diligence Working Group:** formed to develop tools and guidance on HRDD for companies and other stakeholders.

GNI STAFF

THE GNI TEAM IS BASED IN THE UNITED STATES AND THE NETHERLANDS.



JUDITH LICHTENBERG
Executive Director



DAVID SULLIVAN
Program Director



JASON PIELEMEIER
Policy & Strategy Director



ROCIO CAMPOS
Communications Manager



ANNIE LEHMAN-LUDWIG
Membership Associate



CHRIS SHEEHY
Policy Officer



SARINA PHU
Research & Program Associate



IDAN BEN YAKIR
Operations Associate

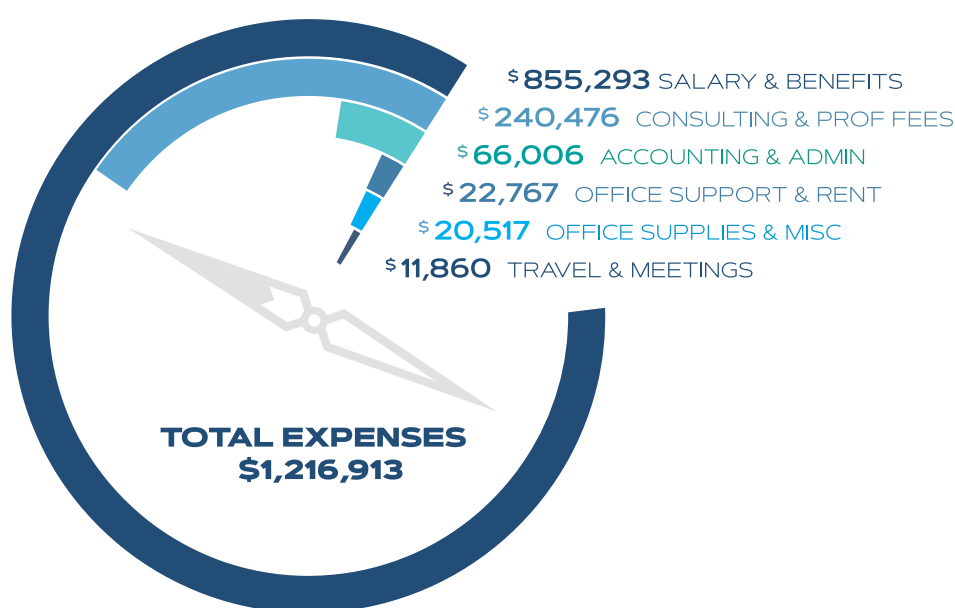
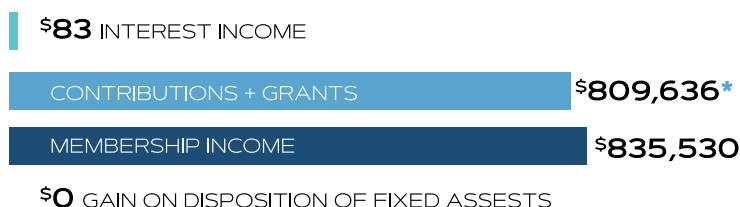
This year we welcomed Research and Program Associate Sarina Phu who supports the implementation of GNI's grant programs to promote engagement with GNI members and non-members, especially from underrepresented regions; Operations Associate Idan Ben Yakir who supports day-to-day operations and administration, including finance, travel, and event planning; and Membership Associate Annie Lehman-Ludwig who works on GNI's internal and external communications and implements efforts to embed diversity, equity, and inclusion across our organization to promote meaningful engagement of all GNI members.

GNI is also grateful for the support of Nikki Bourassa, who was Program and Policy Officer until August 2020. She was responsible for helping implement the GNI-Internews fellowships and our regional policy work. We also benefited from the contributions of three fellows from Georgetown University's Master of Science and Foreign Service (MSFS) Program Ilse Heine, Sienna Tompkins, and Thamesha Tennakoon. Ilse Heine helped organize engagements with government officials, draft policy statements, and conduct research on content regulation, direct access, and personnel localization. Sienna Tompkins contributed to research on data localization, technology-enabled human rights abuses in Xinjiang, content moderation, and international law. Thamesha Tennakoon conducted research on human rights due diligence and supported our learning, membership, and communications work. Sofia Elkina, who joined the team during the fall through the Georgetown University Law Center's practicum program, provided legal research and analysis on issues of privacy and surveillance in Eastern Europe and Russia and human rights considerations for sharing electronic evidence across borders.

FINANCIALS

IN ADDITION TO THE SUPPORT RECEIVED FROM THE U.S. STATE DEPARTMENT'S Bureau of Democracy, Human Rights, and Labor and the Government of the Netherlands Ministry of Foreign Affairs, GNI also received private donor funding from the Ford Foundation for a two-year period. This diversified funding portfolio supports our work to engage underrepresented voices from civil society and the private sector in collaborative processes to protect and respect freedom of expression and privacy throughout cyberspace and strengthen our meaningful engagement efforts.

REVENUE, GAINS, AND OTHER SUPPORT



TOTAL PUBLIC SUPPORT & REVENUE \$1,645,249



* THIS IS FORD FOUNDATION (\$150,000), FEDERAL GRANT INCOME (\$508,951.65), AND DUTCH GOVERNMENT (\$150,684).

ACKNOWLEDGEMENTS

LEGAL

GNI is grateful for legal advice and support it receives from White & Case LLP, especially Charles Moore, Earle Miller, Gabrielle Hodgson, Mariana Seixas, and Noah Brumfield.

ACCOUNTING AND ADMINISTRATION

We would like to acknowledge the assistance of staff from Glass Jacobson Financial Group, especially Andrea Montali, Marc Friedman, and Rebecca Regnier.

DESIGN

J. Gregory Barton of D.C.-based design and technology firm Britt Barton produced this report.

MEMBERS AND SUPPORTERS

The board chair, executive director, and staff of GNI would like to thank GNI members and supporters around the world who help make our work possible.