

Global Network Initiative

*Protecting and Advancing Freedom of Expression and Privacy
in Information and Communications Technologies*

Frequently Asked Questions (FAQ)

October 29, 2008— In an effort to protect and advance the human rights of freedom of expression and privacy, a diverse coalition of leading information and communications companies, major human rights organizations, academics, investors and technology leaders today launched the Global Network Initiative.

From the Americas to Europe to the Middle East to Africa and Asia, companies in the information and communications industries face increasing government pressure to comply with domestic laws and policies that require censorship and disclosure of personal information in ways that conflict with internationally recognized human rights laws and standards.

The Initiative is founded upon new Principles on Freedom of Expression and Privacy – supported by specific implementation commitments and a framework for accountability and learning – that provide a systematic approach for companies, NGOs, investors, academics and others to work together in resisting efforts by governments that seek to enlist companies in acts of censorship and surveillance that violate international standards.

The Initiative was launched in the 60th Anniversary year of the Universal Declaration of Human Rights and is founded on the internationally recognized laws and standards for human rights on freedom of expression and privacy set out in the [Universal Declaration of Human Rights](#) (“UDHR”), the [International Covenant on Civil and Political Rights](#) (“ICCPR”) and the [International Covenant on Economic, Social and Cultural Rights](#) (“ICESCR”).

The following Frequently Asked Questions (FAQ) are intended to address key aspects of this Initiative.

1. Who is participating in the Global Network Initiative?

The Initiative is a coalition that includes ICT companies, civil society organizations (including human rights and press freedom groups), socially responsible investors and academics. The list of current participants can be found on www.globalnetworkinitiative.org.

The goal is for the membership to be global and to be from across the internet and telecommunications industries. For this reason the Initiative is actively recruiting additional members.

2. What specifically are the participants committing to?

There are three core documents that describe the Initiative’s objectives and the key commitments of the participants:

- a) The **Principles** state the overarching commitment of the Initiative’s members to collaborate in the advancement of user rights to freedom of expression and privacy. The Principles provide high-level guidance to the ICT industry on how to respect, protect and advance user rights to freedom of expression and privacy, including when faced with government demands for censorship and disclosure of users’ personal information.

The Principles are intended to have global application and are grounded in international human rights laws and standards including the Universal Declaration of Human Rights (“UDHR”), the International Covenant on Civil and Political Rights (“ICCPR”) and the International Covenant on Economic, Social and Cultural Rights (“ICESCR”).

- b) The **Implementation Guidelines** provide more detailed guidance to ICT companies on how to put the Principles into practice, and also provide the framework for collaboration among companies, NGOs, investors and academics. The guidelines will be regularly reviewed and revised to take into account actual experience, evolving circumstances and stakeholder feedback.
- c) The **Governance, Accountability & Learning Framework** sets out a multi-stakeholder governance structure, goals for collaboration and a system of company accountability to support the Principles, maximize opportunities for learning and ensure the integrity and efficacy of the Initiative.

3. How were the three core documents drafted?

The foundational documents reflect over two years of extensive engagement and negotiation by the participants and were collaboratively drafted by the multi-stakeholder group over an 18-month period, from January 2007 through June 2008. The work of key academic institutions, consultations with other stakeholders, and the experiences of other voluntary human rights initiatives influenced the drafting.

4. What does the Global Network Initiative aim to accomplish?

The Initiative exists to provide guidance to the ICT industry and its stakeholders on how to protect and advance the human rights of freedom of expression and privacy when faced with pressures from governments to take actions that infringe upon these rights.

The Initiative seeks to promote the rule of law and the adoption of laws, policies and practices that protect and respect freedom of expression and privacy through collaboration among companies, NGOs, investors and academics.

Ultimately, the Initiative seeks outcomes consistent with the internationally recognized laws and standards for human rights on freedom of expression and privacy set out in the [Universal Declaration of Human Rights](#) (“UDHR”), the [International Covenant on Civil and Political Rights](#) (“ICCPR”) and the [International Covenant on Economic, Social and Cultural Rights](#) (“ICESCR”).

The Initiative’s participants recognize that there are narrow circumstances – described in internationally recognized human rights laws and standards - where societies may responsibly impose limitations on content or engage in surveillance to fight crime, terrorism and exploitation. However, participants are committed to a high-level of due diligence and risk management regarding the demands they receive from government and greater transparency with users about the impact of those demands on freedom of expression and privacy.

5. How will the Global Network Initiative accomplish its goals?

The Initiative provides a systemic approach for companies facing government requests to protect the rights to freedom of expression and privacy of their users while respecting legitimate government authority. Over time, the aim is for the Principles and Implementation Guidelines to take root as a global standard for the ICT sector and to be adopted by companies worldwide, employed by diverse stakeholders for advancing human rights, and recognized by governments and international bodies.

By defining shared standards, the Initiative will support companies in the management of human rights risks and opportunities associated with the provision of ICT products and services globally. The shared standards also provide a systematic approach to resisting efforts by governments to enlist companies in acts of censorship and surveillance that go beyond the law or internationally recognized human rights laws and standards.

Participants in the Initiative recognize that responsible company actions alone cannot guarantee that human rights are not violated. Governments have the ultimate responsibility to ensure that the human rights of their citizens are respected, protected, promoted and fulfilled.

That is why the Initiative is committed to collective action to promote the adoption of laws, policies and practices that protect and respect freedom of expression and privacy. Further, the Initiative proceeds from the premise that collaboration among the ICT industry, investors, civil society organizations, academics and other stakeholders can strengthen efforts to advance freedom of expression and privacy globally.

6. How will the companies implement the Principles within their operations?

Participating companies make a number of specific operational commitments that they will establish during the first two years after joining the Initiative:

- Employing **Human Rights Impact Assessments** to identify circumstances when freedom of expression and privacy may be jeopardized or advanced.
- Forming **cross-functional, internal teams** to lead the implementation of the Principles.
- **Training employees** on procedures to protect freedom of expression and privacy when faced with government demands and restrictions.
- **Providing whistle-blowing mechanisms** through which employees and other stakeholders can confidentially or anonymously report violations of the Principles and Implementation Guidelines.
- Encouraging **relevant business partners, industry colleagues, suppliers and distributors** to follow the Principles and Implementation Guidelines.
- Requesting that government demands to limit freedom of expression or privacy and the legal basis for such demands are made **in writing**.
- Establishing high-level of **transparency with users** when required by governments to remove content or limit access to information and ideas and the circumstances where they may be required to disclose personal information.
- **Considering challenging governments in courts** or other formal forums when faced with restrictions that appear inconsistent with domestic law or international human rights laws and standards on freedom of expression and privacy.

7. What is the role of civil society organizations, investors and academics in the Global Network Initiative?

The Initiative is a collaboration in which non-company participants are equal partners. Their role includes:

- Participation in the **governance of the Initiative**.
- Provision of **expert advice and collaborative problem solving**.
- Development of evaluation and benchmarking mechanisms to ensure transparency with the public and **participation in the accountability process**.
- Assisting with the **recruitment** of ICT companies and other stakeholders to the Initiative.
- **Engagement with governments and international institutions** to promote the rule of law and the adoption of laws, policies and practices that promote protection and respect of freedom of expression and privacy.

- With the participating companies, review and revise the **three foundational documents** based on lessons learned from their implementation

8. Are governments participating in the Global Network Initiative?

Although governments will not be members of the Initiative, the Initiative will engage in outreach to governments, inter-governmental organizations and global policy bodies to encourage them to support the Principles and their adoption by local companies.

9. How does the Initiative define “global human rights standards”?

The Principles are grounded in international human rights laws and standards including the Universal Declaration of Human Rights (“UDHR”), the International Covenant on Civil and Political Rights (“ICCPR”) and the International Covenant on Economic, Social and Cultural Rights (“ICESCR”). The Principles were developed with significant input from academics and lawyers specializing in international human rights law.

10. How will the Global Network Initiative be governed?

Within six months of the Initiative’s launch, the participants will draft a Governance Charter that will further define the roles and responsibilities of the participants. An independent not-for-profit entity will oversee the activities of the Initiative, governed by a Board of Directors with equal representation from company and non-company participants. The Board will strive to operate on a consensus basis. The Board will hire an Executive Director to manage the daily activities of the Initiative.

11. How will companies be held accountable for compliance with the Principles and Implementation Guidelines?

The companies will be held accountable through a system of independent third-party assessment of company compliance with the Principles and Implementation Guidelines. This system will be phased in over three stages, summarized as follows:

Phase One (till December 2010): While each participating company is establishing internal policies and procedures necessary to implement the Principles, the Board of the Organization will approve independence and competence criteria for the selection of independent assessors to be used in subsequent phases.

Phase Two: (2011): Independent assessors that meet the competency and independence criteria adopted by the Board during Phase One will conduct process assessments of each participating company to review and evaluate their internal systems for implementing the Principles.

Phase Three (January 2012 onwards): The Board of the Organization will accredit a pool of independent assessors for all subsequent assessments. These assessments will incorporate not only the internal systems of companies but also review company responses to specific government demands implicating freedom of expression or privacy.

Full details of the accountability system are described in the “Governance, Accountability and Learning Framework”,

12. How will the Global Network Initiative be funded?

The participating companies will fund the Initiative, and foundation support will also be sought. Each of the initial [three/four/five] participating companies is committing \$100,000 per year over the two-year start-up period to fund the initial work of the Initiative. This amount will be adjusted

as additional companies join the process, as the accountability process takes shape, and as needed by other changing circumstances.

13. What information about the Global Network Initiative will be reported publicly?

The Initiative will publish annual reports that include information about the challenges ICT companies face, how the group is working to meet them, and emerging trends. The report will also contain:

- Best practices within the ICT industry
- Recommendations on revising the Principles or Implementation Guidelines, accountability process and public policy strategies, as well as other enhancements to the Initiative.
- A description of the independent assessment process
- An assessment of each participating company's compliance with the Principles and Implementation Guidelines, including a description of its findings, matters learned, and compliance challenges.

Individual participating companies may also choose to publish their own reports, either as part of existing corporate responsibility reports or elsewhere.

14. Is the Global Network Initiative actively recruiting additional participants?

Yes. The success of the Initiative requires that membership be global, and broadly based. The Initiative welcomes ICT companies, civil society organizations, investors and academics worldwide with a clear interest in the advancement of the Principles and Implementation Guidelines. For more information contact the Initiative's Secretariat at info@globalnetworkinitiative.org.

15. How can the public provide the Global Network Initiative or its members with feedback or ask additional questions?

The Initiative welcomes dialogue on its documents and processes. If you would like to communicate with the Initiative please contact the Initiative's Secretariat at info@globalnetworkinitiative.org.