RightsCon Silicon Valley 2016

Access Now is proud to present the report on the fifth event of our annual summit series, RightsCon (rightscon.org), which took place in Silicon Valley this past March and included over 1,000 participants from over 85 countries around the world. RightsCon brings together stakeholders from across geographic and stakeholder lines with an aim of producing measurable outcomes on the most pressing and emergent issues threatening the future and freedom of the internet.

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Thank you for listening to us and facilitating connections. By organizing RightsCon and bringing together people from all over the world, you've helped create many future solutions.
*— **Haben Girma**, White House Champion of Change, Forbes 30 under 30 leader, and BBC Women of Africa Hero*
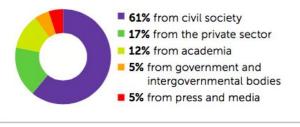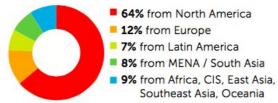
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2016 Silicon Valley

1,122 Participants **84** Countries **250+** Sessions

- **61%** from civil society
- **17%** from the private sector
- **12%** from academia
- **5%** from government and intergovernmental bodies
- **5%** from press and media

- **64%** from North America
- **12%** from Europe
- **7%** from Latin America
- **8%** from MENA / South Asia
- **9%** from Africa, CIS, East Asia, Southeast Asia, Oceania

Overview of RightsCon Silicon Valley 2016

From March 30 to April 1, 2016, RightsCon returned for its fifth iteration to Silicon Valley, home of many of the most influential internet companies and organizations. Decisions made in Silicon Valley have far-reaching and often global implications, and RightsCon 2016 was a unique opportunity to bring together technologists, engineers, innovators, human rights defenders, grassroots activists, and engaged citizens from around the world to advance digital rights and internet freedom.

The conference was organized around three full days of programming, 250+ unique sessions, and five central thematic pillars. Below are just a few examples of some of the most popular sessions from RightsCon 2016.

1. **Human Rights, Trade, and Business**

   a. *Beyond CSR: Promoting Strong Human Rights Performance in the Private Sector*
      International human rights rules are designed to bind States rather than private actors. On the Internet, this poses a challenge because many of the most important and influential actors are in the private sector. Multinational giants like Google and Facebook exercise a power over online speech that dwarfs that of most States. Yet, while these companies are keen to portray themselves as champions of freedom of expression, there is no solid understanding of what it means for a private company to behave responsibly in a human rights context.

      This session was the first public presentation of the findings of a major research project to define good practice for the private sector in a number of fields impacting online speech, including expanding access, net neutrality, moderating or removing user content, protecting privacy and anonymity, transparency and engagement with users. The project developed a set of guidelines for how private sector actors can bring their policies into line with the human rights interests of the online community. The workshop presented these guidelines, and then facilitated a robust dialogue with attendees from the private sector, academia and civil society.

   b. *Opening the Black Box: Understanding How Companies Enforce their Rules*
      Who can we trust with our digital rights? The 2015 Ranking Digital Rights Corporate Accountability Index found that no major tech company provides overall data about the enforcement of their terms of service. At a time where online expression is increasingly regulated by contract, this means that content is removed or user behaviour penalised 'under the radar': although we know that companies take down or filter content, or suspend user accounts, we only have anecdotal evidence about the frequency of such measures and the type of content/behavior affected. On various occasions this has brought to light inconsistent company practice on how terms are enforced (see e.g. https://advox.globalvoices.org/2015/08/06/we-will-choke-you-how-indian-women-face-fatal-threats-on-facebook-while-trolls-roam-free/), highlighting the need to have clear company disclosure on this.

      Meanwhile, governments expressly encourage companies to restrict content on the basis of their terms of service, sometimes in extra-legal ways, thereby obscuring a form of government-triggered censorship. The White House asked YouTube to review whether the 'Innocence of Muslims' video violated its Terms, and the UK government's counter extremism strategy explicitly mentions online platforms' Terms & Conditions as an area of interest. The fact that governments view Terms enforcement by companies as a mechanism to restrict content without making formal requests through legal channels,

without due process mechanisms, underscores why it is vital that companies are more transparent about their enforcement practices.

In this session, panelists discussed with freedom of expression experts, company representatives, and other participants how companies could improve their transparency when it comes to their enforcement practices, and why governments should be transparent about extra-legal requests they make to companies to restrict content as part of their private Terms enforcement.

So often conferences are either too tightly controlled (and thus boring) or out of control (and thus chaotic).
It's hard to find the sweet spot in the middle but you did it.
I enjoyed the sessions I was part of and saw and talked with many great people.
*— **Mike Posner**, Jerome Kohlberg Professor of Ethics & Finance and*
Co-director Center for Business and Human Rights, NYU Stern School of Business

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2. **Network Discrimination and Connectivity**

a. *Net Neutrality Principles and Exceptions*
Over the decade, the network neutrality debate has become a leading priority for both national and international policy makers. The US has explicitly banned discriminatory traffic management practices, such as blocking, throttling and paid prioritisation, but the FCC net neutrality framework - now having its third time in court - looks dangerously ephemeral. The EU has recently adopted a new Telecom Single Market regulation but key elements, such as specialised and zero rating practices, still have to be clarified. In Brazil the Marco Civil consecrates the net neutrality principle into law but the extent to which traffic management can be deemed as reasonable still has to be specified by administrative regulation. Korea, equipped with nice sounding administrative regulation, has not made up its minds about application to already rampant targeted P2P throttling or the oligopolistic telcos' zero rating of their subsidiaries' content services. Meanwhile other countries are still considering whether and how to properly regulate Internet traffic management.

This session analysed concrete examples of traffic discrimination around the world, providing concrete evidence of the need for net neutrality policies, while stressing the importance of fostering common net neutrality principles in order to favour the compatibility of national net neutrality frameworks. Moreover, the participants analysed if and to which extent guaranteed-quality services (also called specialised services) and zero rating practices may be considered as compatible with the non-discriminatory traffic management.

b. *The political economy of the zero-rating debate in the developing world - what are the stakes?*
Zero-rating has become a heated issue in both the developed and the developing world over the past few years. The central questions, and the ways these are approached are, not the same in the North and Global South. This is because at the heart of the zero-rating debate in developing countries lies the question of how to expand Internet access, and its empowering potential, among populations that count vast numbers of poor people amongst them. Is zero-rating an appropriate or effective way to achieve this?

This session mapped the actors and their strategies that make up the pro-zero-rating lobby in the developing world, with a view to identifying more clearly where civil society and other actors concerned about zero-rating should focus their capacity building as well as advocacy efforts.

3. **Privacy and Digital Security**

    a. *Fireside Chat: Ron Deibert, Edward Snowden, Amie Stepanovich*
    Edward Snowden, a member of the Board of Directors at the Freedom of the Press Foundation, chatted with Ron Deibert, Director of the Citizen Lab at the University of Toronto's Munk School of Global Affairs, in a fireside chat on mass surveillance moderated by Access Now's Amie Stepanovich. The conversation considered the formal and informal government surveillance powers and authorities, including the need for transparency and the opportunities for reform.

    b. *A human rights approach to cybersecurity*
    This session examined the potential to take a human rights approach to cybersecurity, which is becoming one of the dominant frameworks through which governments are approaching internet policy. The session looked at the proposition that the notion of cybersecurity should be rooted in the security of the user not the systems. It also examined the feasibility of developing a genuinely multi-stakeholder approach to developing cybersecurity policy. It included David Kaye, the Special Rapporteur for Freedom of Expression, United Nations; Chris Riley, Head of Public Policy, Mozilla; Uri Rosenthal, Dutch Special Envoy for Cyberspace, Government of Netherlands; and Carolina Rossini, VP of International Policy, Public Knowledge.

4. **Freedom of Expression**

    a. *Addressing Extremism Online*
This session brought together representatives from civil society and government and the technology industry to discuss existing and proposed measures to combat extremist content online.

    b. *Online Hate Speech: Identification and Strategies*
This session brought together people who are concerned about different facets of hate speech (which panelists saw as including gendered hate speech). The object was to get a diversity of stakeholders to speak candidly with each other about online hate speech. The discussion focused on contentious issues like, anonymity, privacy, and jurisdictional concerns that come up in the context of legal intervention.

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RightsCon was a great opportunity to connect with activists, journalists and academics interested in the role of freedom of expression and privacy on the internet.
*– **Gisela Pérez** de Acha, ONG Derechos Digitales, México/Chile*

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5. **Internet Governance and Digital Inclusion**

    a. *Internet Freedom and UN Human Rights Mechanisms*
How can civil society and human rights advocates leverage the UN system to amplify or further their advocacy on Internet freedom issues? Under what circumstances should advocates appeal to the UN Special Rapporteur or a Working Group for assistance, and what information should they communicate to the Rapporteur's office to ensure effective follow-up? How can advocates optimize their participation in the International Covenant of Civil and Political Rights Periodic Review and the Universal Periodic Review processes? What are the unique challenges that technology and human rights issues pose to civil society engagement with UN mechanisms?

A roundtable of representatives from various UN human rights mechanisms addressed these questions, and the audience was invited to observe and participate in the discussion.

    b. *Funding the Fight for Digital Rights: An OTR Q&A with Donors*
As the human rights technology and internet freedom ecosystem evolves, so too are those supporting funders. This session was an opportunity for current and potential grantees to briefly hear from a panel of funders on their view of the current landscape, current concerns and challenges, and then participate in an audience driven non-recorded "Ask-Me-Anything" for any and all related questions.

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The place to attend to gather information on what is happening and who is doing what in rights and ICTs.
The most valuable time for me was time spent on breaks, lunchtime and social events,
where you could mingle and chat with experts and practitioners willing to share their views and projects.
*– **Roxana Bassi**, GISWatch project coordinator, APC*

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Diversity at RightsCon

At RightsCon 2015, more than 650 individuals from more than 40 countries convened in Manila to explore the community and issues in Southeast Asia. Representatives from all stakeholder groups were present:

60% in attendance were from civil society, while 25% came from the private sector, and the other 15% came from academia, the government, and coalitions.

At RightsCon 2016, more than 1,100 individuals from more than 80 countries (including the Middle East/North Africa, Southeast Asian, Latin American and Caribbean, and African regions) convened to explore local, regional, and international issues affecting the digital community. More than 300 session proposals were submitted from 50 countries, and more than 200 sessions were ultimately accepted. Representatives from all stakeholder groups were present: 61% in attendance identified as civil society, while 17% came from the private sector, 12% came from academia, and 4% came from government.

RightsCon enjoys a strong track record of gender parity. There was near perfect parity in 2015, with 49% of conference speakers identifying as female and 51% identifying as male (a vast improvement over typical parity at technology conferences). In 2016, of those conference participants who volunteered gender identity, 45% identified as female and 55% identified as male.

RightsCon is the most important event of the year for Meedan -
no other conference manages to bring such a talented and diverse set of
social tech, digital rights policy, and open internet advocacy groups together like RightsCon.
*— **Ed Bice** from Meedan*

We take every effort to ensure that RightsCon is representative of the digital community at large, so that the institutions and participants accurately represent the community's diversity in gender, geography, and stakeholder groups. For example, as a follow-up to the 2016 conference, we asked members of this remarkable community to share their thoughts on the RightsCon experience, and to articulate what they see as the next steps in the fight for human rights worldwide. A few of their thoughts are highlighted below:

- *An Xiao Mina, Meedan*
  RightsCon's emphasis on global diversity and direct outcomes deserves praise. Bringing together a broader array of voices — including in more plenary sessions, where we can interact with and learn from each other more broadly across the community — will only strengthen the amazing community the Access team has built. The event is a highlight of our year, and we look forward to seeing how the conversations advance in the future.

- *Soudeh Rad, founder of Macholand.org*
  As a feminist and LGBT rights activist from a country where identifying yourself that way will legally and socially harm you, this was an event not to miss. While the internet has become the inevitable means for advocacy in the digital age, Iran uses some of the most powerful strategies for systematically violating the right to access information and the privacy of its netizens.

  RightsCon is a unique occasion to share mutual experiences among activists and experts, and to find or design better solutions for real problems. The event was organized in such a way that anyone would feel passionate about sharing their skills and knowledge, as well as asking questions to find solutions.

- *Esra'a Al Shafei, Founder of Majal.org*
  This was my second time attending RightsCon, and I was excited to see how much the community has expanded in a year. I've had so many opportunities to collaborate with like-minded individuals on a variety of issues, as many of us are dealing with similar challenges.

  My biggest takeaway is meeting with many organizations that could be potential partnerships. We shared key thoughts and ideas on how to advance digital rights for the LGBT community in the MENA region in particular, as it's an underserved community without sufficient resources to develop tools that meet their exact needs. This event presented a rare opportunity in which I could directly connect with other organizations to develop strategies that can help us maximize the potential for long-term impact.

RightsCon Outcomes, Launches, and Campaigns
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I enjoyed so many fruitful discussions and gained valuable insight at RightsCon. It was great!
*— **Jinu Choi**, Manager of Policy Team, Kakao*

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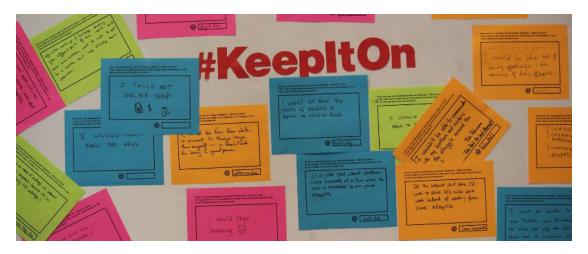

RightsCon emphasizes real-world outcomes, launches, and campaigns. Despite the wide scope of topics, every session had a single mandate: producing #outcomes. A simple question was posed: how would each

engagement, from headlining sessions to hallway encounters, create real-world change? The answers reveal a world of new partnerships, tech solutions, and policy positions:

- *Data Detente: Exploring Challenges and Opportunities in Trans-Atlantic Data Flows*
  The Hungarian Civil Liberties Union announced the launch of the [Right to Hide](), a campaign for secure communications with the aim of supporting a life without imminent fear that our online activities are exposed in order to be misused.

- *Reporting and beyond: why company and government transparency is essential for human rights online.*
  The Open Technology Institute and the Berkman Klein Center for Internet & Society at Harvard University published a major research report called "The Transparency Reporting Toolkit: Survey & Best Practice Memos" and distributed it widely in a [press release]() citing RightsCon.

- *SaveTheInternet.eu Relaunches to Defend Net Neutrality in the EU*
  As the last window of opportunity for the public to provide input to decision-makers to further improve net neutrality laws and regulations within the European Union looms, Savetheinternet.eu was re-launched at RightsCon to allow internet users everywhere to particpate in online consultation and to tell EU Regulators to protect net neutrality.

- *The U.S. Senate and Cybersecurity*
  U.S. Senator Ron Wyden took to stages at the Crypto Summit 2.0 and RightsCon Silicon Valley today to call for a New Compact for Security & Liberty in the Digital Age. The five-point compact is a response to the government's encroaching on fundamental freedoms, including privacy and encryption. According to Wyden, "security without liberty is not a choice free people will make." The debate is not one over privacy versus security, but "security versus stronger security."

- *Access Now launches #KeepItOn*
  Access Now, in consultation with stakeholders from around the world, launched its [#KeepItOn]() campaign against internet shutdowns and developed the first international consensus on the definition of an internet shutdown: "An internet shutdown is an intentional disruption of internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, often to exert control over the flow of information."

- *When It Comes to Security, Users Are First*
  The Freedom Online Coalition Working Group - An Internet Free and Secure presented their work and sought for feedback on the set of 15 recommendations proposed in September 2015, which outlined the need for user-centric digital security policy over current government cyber-security narratives.

RightsCon Brussels 2017

Announced at the closing ceremonies of RightsCon 2016, RightsCon 2017 will be held Brussels, Belgium. From March 29-31, 2017, we'll host our most impactful RightsCon yet. We're bringing the global digital rights community to the heart of European politics and policymaking. Decisions made in Brussels affect not just the European Union and its member states, but are increasingly consequential for policies, frameworks, and best-practices worldwide. As a globally inclusive conference, RightsCon is also the home to regionally diverse and country specific discussions for individuals and organizations across continents.

The RightsCon Brussels 2017 Program will tackle leading and emergent issues, such as encryption and cybersecurity, intermediary liability and data center location, transparency reporting and best practices on user trust, the internet of things, smart cities and their impacts on society, emerging global markets, complex compliance and regulatory environments, and more.