

Address by Mr Gernot Erler, Special Representative of the German Federal  
Government for the OSCE Chairmanship

Conference “Internet Freedom –  
a constant factor of democratic security in Europe”  
Strasbourg, 9 September 2016

Secretary General Thorbjørn Jagland,  
Mr Mart Laanemäe,  
Dear Dunja Mijatović,  
Ms Katrin Nyman-Metcalf, representatives of the Freedom Online Coalition,

Ladies and gentlemen,

I welcome you to this conference being held jointly by the Estonian Chairmanship of the Council of Europe and the German Chairmanship of the OSCE.

And I should like to take the opportunity to congratulate Mart Laanemäe warmly on his appointment as Estonia’s new ambassador in Berlin, which I hope will lead to many more joint projects.

I should also like to thank our second partner and the joint organiser of this conference, the Secretariat of the Council of Europe, in particular Secretary General Jagland, including for providing the meeting rooms and the great logistical and financial support.

I am pleased to be here in Strasbourg for the second time this year already, after I had the opportunity to present the programme of the German OSCE 2016 Chairmanship here at the beginning of the year.

When we were deciding the main focuses of the programme last year, topics such as “cyber security”, “risks of conflict stemming from information and communication technologies” and, indeed, “Internet freedom” suddenly came up in our discussions.

And I have to admit that I either had no real understanding of most of these concepts and the factors behind them or actually had serious doubts as to whether they really existed or were significant.

I belong to a generation which was personally and politically shaped by the Cold War and, above all, the détente policy and the CSCE process of the 1970s.

For me, concepts like “security”, “risks of conflict” and “confidence-building measures” therefore tended for a long time to have more to do with military hardware, tanks and soldiers than with electronic software or the Internet.

And when it comes to the great term “freedom”, which is also to be discussed here today, what first springs to my mind are the images from 1989 of the people demonstrating for their freedom in the streets of Gdansk, Leipzig or Tallinn (where they were also singing for their freedom, with the “Singing Revolution”), rather than online petitions or the publication of diplomatic cables on the Internet.

However, ladies and gentlemen,

That is, of course, only half the story, because the ending of the division of our continent and the history of the CSCE process and the Helsinki movements in Europe and North America both also had a lot to do with the free dissemination of information.

As is well known, one of the key provisions of the 1975 Helsinki Final Act was the commitment of the signatory states to make the final act freely accessible to their populations. And it was this publication that turned the final act into a document that was invoked by human rights groups throughout the CSCE region and hence also into a tool for freedom and peaceful change.

Now, over 40 years later, in the era of Wikipedia and WikiLeaks, it would hardly be possible actually to prevent the publication of such a document, as was indeed attempted in the years after Helsinki in some states, for instance, in the former GDR.

What applied then and still applies today, however, is the intrinsic link between freedom of information and freedom of expression and the democratic nature of a society, which are almost inconceivable without one another.

So is the Internet now the digital arena for freedom, which also guarantees the rule of law and democracy in the analogue world? Are we witnessing the advent of an era of digital democracy and the end of censorship and propaganda?

Ladies and gentlemen,

No matter how varied and, for some of us, perhaps also unfamiliar the possibilities of the new information and communication technologies of our times are, the threats and challenges which we are facing here are actually familiar.

Striking a balance between the right to privacy and the right to information and its free dissemination, between freedom of opinion and protection against discrimination and hate speech and between the state's duty to protect people against threats such as organised crime or terrorism and their entitlement to areas of freedom with no government interference or supervision involves a range of difficult issues that all go much further back than the history of modern information technologies.

The same applies to the reasons given in the past and now also again today for restricting freedoms and monitoring means of communication:

We are currently often told that new threats to our security and stability mean that states need to choose between protecting their citizens and preserving their fundamental rights.

States do, of course, have legitimate security interests which must be protected, both offline and online, particularly in times of increased threats. However, this in no way means that alleged or actual security interests can be a pretext for restricting the protection of fundamental rights unduly or on a long-term basis.

Such restrictions occur in many ways at present, often still on a quite familiar basis in the analogue world – in the form of arrests, intimidation or even assassination of critical bloggers, journalists and activists, the confiscation of data material or the closure of media outlets that annoy governments.

Methods for surveillance and repression are also, however, keeping up with the trends in new technologies and making use of them: the Internet can be searched for critical comment, and webpages can be blocked and filtered or also completely shut down.

Some threats to freedom of information and also democracy in the digital world are of a completely new kind. They target not only the methods of communication and those who gather and disseminate information but also the very idea of truthful information and proven facts.

Information is no longer just suppressed or deleted. What are new are the possibilities for targeted disinformation which can be spread and multiplied over the social media in a few seconds. Scientific distortions, exaggerations and incorrect assertions are placed alongside serious information and information that seeks to be as reliable and authoritative as possible, thereby calling facts into question and creating uncertainties.

We have now reached a stage where many people in our societies have serious doubts as to whether it is actually possible to obtain truthful information.

According to a recent survey (TNS Emnid, May 2016), fewer than half the German population (49%) believe that the media report facts truthfully, while 60% of those surveyed believe that many justified opinions about topical issues are systematically suppressed in the media.

Ladies and gentlemen,

This lack of trust and the related attempts to turn our modern information society into a “disinformation society” are real threats to our democratic community.

But an old approach may perhaps help here, too: the Internet is not a place where a lack of rules leads to maximum freedom either. Human rights and fundamental freedoms must apply both offline and online, which is why we need rules and instruments to protect these rights and freedoms in cyberspace as in the analogue world.

However, if this old approach is to be effective under the new conditions of digital networking, we first need to act globally because cyberspace does not stop at national boundaries.

In 2013, Germany and Brazil therefore launched an initiative at the UN concerning the right to privacy with a view to exploring the tensions between mass surveillance and human rights. Last year, the UN Human Rights Council also appointed a Special Rapporteur on the right to privacy. And we are currently preparing a new resolution on the right to privacy for the UN General Assembly this autumn.

Secondly, however, we also need a thematically comprehensive approach. The potential of new information technologies can be used to involve citizens in political decision-making processes, create prosperity or draw attention to political iniquities. It may, however, also be used militarily, increase economic inequalities or facilitate greater surveillance.

In order to address these possibilities and dangers equally effectively, as this year's Chairmanship of the OSCE, we are pursuing a triple approach which tackles the issue from its security policy, economic and human angles.

We have succeeded this year, for instance, in having (a second set of) confidence-building measures to prevent risks of conflict stemming from information and communication technologies adopted by the OSCE participating states.

In the human dimension of the OSCE, freedom of opinion and media freedom is also one of our key focuses. We remain convinced that free media and hence access to a wide range of independent information are the best antidotes for disinformation and propaganda. To this end, we must, for instance, better protect all those who gather, research and convey such information. We must therefore pay special attention to the safety of journalists in crisis regions.

And we support the work of the OSCE Special Representative on Freedom of the Media, Dunja Mijatović, who has issued many strong statements in defence of the right to freedom of expression, both online and offline. In addition, Ms Mijatovic recently published an OSCE Guidebook on Media Freedom on the Internet with practical recommendations for policymakers, which will no doubt also be discussed at this conference.

Lastly, Internet freedom will also be a key subject at our main OSCE Chairmanship Conference on Tolerance and Diversity in Berlin on 20 October 2016. On that occasion, we want to place emphasis on combating online hate speech and discrimination.

Thirdly, we need new alliances and coalitions between states and international organisations, as well as with civil society because increasing numbers of non-state bodies are playing a key role in cyberspace.

The Council of Europe is one of our main partners here and we agreed at the beginning of the year that we wish to intensify our co-operation still further and create synergies in the areas of combating human smuggling, protecting minorities, promoting tolerance and non-discrimination and also, of course, preserving freedom of opinion and information.

I am therefore delighted that Secretary General Jagland has launched such a great initiative here with the Council of Europe "No Hate Speech" campaign.

And I welcome the Internet Governance Strategy (2016-2019) adopted by the Council of Europe in March this year and the Council of Europe Recommendation on Internet freedom of April 2016.

Today's conference is a further example of this productive co-operation, for which I should like to thank you most sincerely and which I hope we will continue after the German chairmanship.

Naturally, we will not be able to solve all the problems today. But we will at least be able to ask and discuss the right questions and together come up with ideas for possible solutions through a kind of collective or swarm intelligence.

I wish you and us much success together at this conference and now look forward to the completely analogue discussions of our experts.

Thank you.