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Measuring the Internet:

Discussions on Indicators at the 10th Internet Governance Forum

As the international multistakeholder community works towards developing consensus on shared principles for internet governance, a vibrant discussion has emerged on how to measure progress towards these goals. At the [10th Internet Governance Forum \(IGF\)](#), held in Joao Pessoa, Brazil from 9 to 13 November 2015, several workshops addressed the question of indicators for various aspects related to internet policy. While much advancement has been made, the discussions revealed areas for further development, including in measuring implementation of policies, addressing gender issues and incorporating big data into statistics based on national surveys.

Ranking Digital Rights: Corporate Accountability Index

On Day 0, the project [Ranking Digital Rights](#) presented its inaugural [Corporate Accountability Index](#). The index evaluates 16 telecommunication and internet companies headquartered around the world based on 31 indicators that examine policies and disclosures affecting users' freedom of expression and privacy. Among the companies studied by Ranking Digital Rights, none performed very well. Google came out first, with 64/100 points across the categories of commitment, freedom of expression, and privacy.

UN Special Rapporteur on the right to freedom of opinion and expression, David Kaye, gave opening remarks, in which he called the index a "model for high quality and rigorous research." He announced that he will soon launch a project on corporate responsibility online, for which he will engage with civil society, governments, and corporate actors to develop principles of freedom of expression that apply to corporate actors.

Rebecca MacKinnon, Project Director of Ranking Digital Rights, explained that as companies increasingly mediate our relationship with governments, we need to make sure that these companies proactively respect rights in order to have a human rights-compatible internet. Freedom House's most recent [Freedom of the Net](#) report shows increasing efforts by governments to control companies regarding the internet. MacKinnon outlined the report's key recommendations, notably calling for more transparency.

The Ranking Digital Rights indicators rely on publicly available information about companies' policies, without addressing the implementation of these policies. MacKinnon conceded that this index represented "the beginning of the beginning". The project's website details the [development of the methodology](#), through a multi-step consultation with stakeholders that began in early 2013. The website also makes the data open and available for download, enabling further independent analysis. In the future, they would like to fundraise to expand the index to include hardware and software companies, such as Apple and Nokia, and to release a second index.

To allow the index to be used as a tool for advocacy, one person in the audience suggested seeking crowd funding to make the index annual. She also suggested training local organizations to conduct assessments, as done with assessments based on UNESCO's [Media Development Indicators](#) and [Journalist Safety Indicators](#). Another person recommended reaching out to consumer rights groups, such as Consumer International. An Indonesian civil society actor posed the difficult question of whether it was better to focus on advocacy towards governments or civil society. Eduardo Bertoni, director of [CELE](#) at the University of Palermo, emphasized the importance of standards and principles, a point echoed by UN Special Rapporteur Kaye.

Association for Progressive Communications: The APC-La Rue Framework

A workshop on "[Freedom of Expression online: Gaps in policy and practice](#)" introduced the "[APC-La Rue Framework](#)" developed by the [Association for Progressive Communications](#). APC Senior Project Coordinator Deborah Brown explained that the indicators are drawn from the former UN Special Rapporteur Frank La Rue's [2011 report](#) on freedom of expression on the internet to the UN Human Rights Council. This report, which looks at state obligations to protect rights online, led to the first [UNHRC resolution](#) recognizing that rights that apply off-line apply online. The indicators match a number of important topics identified in the 2011 report: 1) general protection of freedom of expression; 2) restrictions of online content, such as: arbitrary blocking and filtering, criminalizing legitimate expression, intermediary liability, disconnecting users from the internet, cyber-attacks, and the protection of the right to privacy and data protection; and 3) actions that states should take to increase access. A first draft of the indicators was published in 2013, and they have been piloted in a number of countries.

A speaker from a civil society organization in Mexico spoke about the challenge of building a framework that applies globally, since the ways in which freedom of expression are conceived legally varies. In Mexico, he said, although there is no blanket censorship or firewalls, other types of challenges exist. The speaker gave the example of the interpretation of data protection laws in Mexico, modeled after the decision on the "right to be forgotten" by the European Court of Justice in [Google Spain v AEPD and Mario Costeja Gonzalez](#). He argued that this has led to attempts to remove links to news pieces about corruption by companies and former public figures, with the result that public interest information could be censored. He added that in Mexico and other Latin American countries, US copyright law has been used to remove politically related content.

In response to a question from the moderator on what areas of the APC-La Rue Framework could be improved, Ritu Srivastava from the [Digital Empowerment Foundation](#) said that more emphasis should be given to access. She emphasized the "huge difference between connection and connectivity, access and accessibility". Another area that Srivastava said could be expanded was the women and gender component.

Tehmina Zafar from [Bytes for All, Pakistan](#) agreed with the previous speakers that the “framework is not universal at the moment.” When her organization implemented the framework in Pakistan, they edited and adapted it to the local context. For example, they added indicators related to freedom of religious expression, internet and mobile shutdowns, (especially in the name of security), and the safety of journalists and bloggers. Other indicators that seemed less relevant, such as one on child pornography, were removed.

A speaker from Malaysia noted that the APC-La Rue framework had highlighted many key trends in her country. Freedom of expression in Malaysia has faced challenges related to the criminalization of legitimate expression, often in the name of national security and public morality. With high penetration, she said, the internet has become an indispensable part of social life and has brought significant change in the political landscape. At the same time, Malaysian cyberspace experiences online violence against women and sexual minorities, which permits abuse against women that cannot be justified by free speech or any fundamental freedom.

A speaker from a Latin American civil society organization said that his organization had used the APC-La Rue framework to gather information about developments in several countries in the region. The “systematic approach” given by the framework had allowed them to “delve into issues with certainty” and to find key cases that show how freedom of expression and other rights are affected online. In Latin American, he stated, the American Convention on Human Rights guarantees human rights, and the American Court of Human Rights has shown strong support for freedom of expression and freedom of information. However, many countries still suffer from the legacies of colonial and nondemocratic periods. Applying the APC-La Rue framework has shown how historical abuses have been replicated on the internet. Although the APC-La Rue framework “does not necessarily apply as a one-size-fits-all measurement of internet rights or violations”, he concluded, it does “allow us to bring many of these issues to the table.”

A speaker from a Brazilian civil society organizations discussed applying the La Rue framework to the Marco Civil. The framework, he argued, shows that freedom of expression is broader than only internet intermediary liability. It also covers consumer protection, law enforcement practices, and judicial practices. He pointed to four issues in Brazil for which the indicators could be further developed: 1) “revenge porn”; 2) the “right to be forgotten”; and 3) blocking mobile applications, such as WhatsApp.

Matjaz Gruden from the [Council of Europe](#) noted similarities in challenges in Europe. He observed that freedom of expression is complex because of its relationship with other rights and comes down to getting the appropriate balance. The Council of Europe has developed draft [indicators for internet freedom](#) with 58 sub-indicators that fall into five major categories: 1) an enabling environment for internet freedom; 2) the right to freedom of expression; 3) the right to freedom of assembly and association; 4) the right to a private life; and 5) internet intermediaries. Council of Europe member countries could voluntarily self-evaluate against these indicators. Gruden said that the Council of Europe

is conducting a detailed review of national practices of internet blocking, filtering and removing content in all 47 member states, to extract best and worst practices.

As part of the question and answer, I suggested integrating developments regarding surveillance, [anonymity and encryption](#) and whistle-blower protection by looking at more recent reports of UN Special Rapporteur Kaye. Another resource for developing the indicators further could be UNESCO's concept of [Internet Universality](#), based on the R.O.A.M. principles – i.e., that the internet should be Rights-based; Accessible; Open; and based on Multi-stakeholder participation.

In response to these comments, Brown reiterated that the framework was based on the 2011 La Rue report and the Human Rights Committee's [General Comment 34](#), and to some extent is a product of its time. For example, it does not deal with violence against women and revenge porn, or go into depth about intermediary liability. APC will further develop the framework and will seek to advance dialogue to make it more useful.

CETIC.br: Indicators to promote evidence-based policymaking

CETIC.br led a workshop focused on "[Indicators to promote evidence-based policymaking](#)". As the session description explained: "Policymakers should rely on high-quality data to underpin evidence-based policy decisions. In this context, monitoring the development of information societies to promote evidence-based policymaking requires the development of internationally agreed ICT indicators." While initiatives such as the [Partnership on Measuring ICT for Development](#) have made progress, there is still a lack of systematic and reliable ICT statistics.

Allison Gillwald, Director of [Research ICT Africa](#), noted the difficulty of conducting impact analysis, which requires baseline and end lines data. Gillwald called for using national statistics surveys and household surveys in a complementary way, and pointed to the potential of big data.

Hernan Galperin, [Associate Professor at the Universidad de San Andres](#), referenced the ongoing debate on zero-rating and Facebook's internet.org (now known as Free Basics). He noted that the oft-cited statistic that 50% of internet.org users later become paid data customers was proprietary data owned by Facebook. Propriety data leads to information asymmetry, which is why it is important for regulators, academics and NGOs to collect and share data. Galperin called for data to be collected as a public good so that the general public and civil society can participate meaningfully in debates. Furthermore, ICT data is critical for good government policy, such as digital connectivity initiatives.

According to Galperin, three models can be used to enhance ICT data collection: 1) insert a few questions on ICTs in household surveys; 2) include an ICT module in household surveys (such as done in Mexico, Peru and Argentina); or 3) dedicated ICT surveys. He also stated that surveys needed to include more in-depth questions on affordability and expenditure, questioning the arbitrary convention of 5% of income being used as the threshold for affordability. Rather than measuring against national averages of income,

more fine-grained measures of affordability are needed. He also pointed to the need for more standardization in methodology and coordination between government agencies.

Fabio Senne, ICT Survey Coordinator from the [Regional Center for Studies on the Development of the Information Society \(CETIC.br\)](#), spoke about general principles for the collection and use of indicators for data producers and users. Indicators must be reliable, transparent, cost-effective and sustainable. On the subject of big data, Senne commented that there was no consensus of how to use big data to produce official statistics and that private data is usually not made accessible to society. Often the most effective method can be to take an interdisciplinary approach.

Finally, Lorraine Porciuncula, from the [Directorate for Science, Technology and Innovation](#) of the OECD, said that measures should be intertwined with policy – before, during, and after policy is being implemented. This is important for accountability. She furthermore observed that there is often a lack of systematic and reliable statistics. The OECD has been developing a toolkit on connecting policy objectives with indicators.

Conclusion

The question of indicators featured in several workshops at the IGF as important for measuring issues related to corporate responsibility, freedom of expression, and ICTs. These discussions could bear fruit: through enabling dialogue among all multiple stakeholders, the IGF workshops allowed organizations to gather valuable feedback that they will incorporate into their own methods. Going forward, further collaboration is needed, during and between IGFs, to ensure sustainable funding, information sharing, and the ability to adapt to new challenges and opportunities, such as those raised by big data.