GISWatch 2014
Call for proposals
Terms of reference for country reports
Theme: Communications surveillance in the digital age

Introduction

Online surveillance, security and privacy are issues that have been central to human rights activists for years - but with the recent revelations of the US government spying on citizens made by former National Security Agency (NSA) contractor Edward Snowden, these issues have captured global attention.

Snowden released confidential documents which proved that numerous software programmes exist that make use of current legal voids or simple user ignorance to incur massive privacy infringements. Many of these tools are designed to collect user data (metadata) to increase the capability of government agencies to protect societies from internal and external threats. But are these tools not undermining essential citizen freedoms and fundamental human rights?

While many governments have reacted swiftly and are imposing restrictions on data surveillance without the user's consent, the picture remains incomplete. Intermediaries, such as internet service providers (ISPs), search engines and social media platforms, among others, also play a role in capturing, storing and sharing user data. State-on-state surveillance is also a critical area, with countries sharing their citizens' information without us knowing.

Join us in helping citizens defend their rights by writing a story about what is happening in your country around communications surveillance, and how your government, organisations and citizens are reacting. Let's share our diverse and compelling stories and views around the world! This issue of GISWatch will allow us to extract common trends and action points. Do you find the theme challenging and have a story to share? Please read on…

How to participate

1. Read the instructions contained in this email, and if you wish to participate, send an email as soon as possible to GISWatch coordinator Roxana Bassi (rox@apc.org), cc'ing GISWatch editor Alan Finlay (editor@giswatch.org), by **31st March 2014**, including the following information (very briefly):

a. Name, organisation, country
b. Why your organisation (or you in the case of individual authors) is interested in communications surveillance, and why you believe that communications surveillance is important in your country and current political and social context
c. How your organisation (or you in the case of individual authors) is involved with communications surveillance and/or defending human rights on the internet (if applicable)
d. Briefly describe the story, subject or area you would like to share (or you might want to research).

This information is needed so we can ensure that there is no duplication, and that the authors are on the right track.

2. You will be notified before the 10th of April if your proposal has been accepted and if we have any further comments or suggestions. Confirmed authors will be asked to join a specific mailing list where ideas, updates and information will be shared among those working on the 2014 report. Please note that the report is written in English.

3. APC and Hivos will conduct online training on communications surveillance during April/May, provide you with background readings, and support you during the writing process. Sharing your progress and ideas with other authors will make the report even more cohesive and representative of the global situation.

4. You will have to submit a draft report by **31st May 2014** . Ideally, it would be good if you could also organise a local event related to the theme and collect local information and points of view. Try to make your report as inclusive and participatory as possible! We will help you with this.

5. Once submitted, your report will enter the editing process. The reports will be edited by the GISWatch editor, with input from the coordinator, and returned to you for clarifications or to respond to editorial comments. This process can take some time so please try to submit your draft article on time.

6. Once the final report has been accepted, organisations will receive a payment in support of writing of USD 1000.

What is communications surveillance?

"Communications surveillance in the modern environment encompasses the monitoring, interception, collection, analysis, use, preservation and retention of, interference with, or access to information that includes, reflects, arises from or is about a person's communications in the past, present or future." *International* Principles on the Application of Human Rights to Communications Surveillance

Arguably, the internet poses severe challenges to state sovereignty and governmental legitimacy. Governments around the world find it increasingly difficult to control, regulate or monitor the massive flow of data within the cyber world and uphold human rights and fundamental freedoms at the same time. However, governments "are failing to ensure that laws and regulations related to communications surveillance adhere to international human rights and adequately protect the rights to privacy and freedom of expression." *International Principles on the Application of Human Rights to Communications Surveillance*

"The right to privacy is often understood as an essential requirement for the realization of the right to freedom of expression. Undue interference with individuals' privacy can both directly and indirectly limit the free development and exchange of ideas. … An infringement upon one right can be both the cause and consequence of an infringement upon the other… The Internet has facilitated the development of large amounts of transactional data by and about individuals. This information, known as communications data or metadata, includes personal information on individuals, their location and online activities, and logs and related information about the e-mails and messages they send or receive. …Communications data are storable, accessible and searchable, and their disclosure to and use by State authorities are largely unregulated. Analysis of this data can be both highly revelatory and invasive, particularly when data is combined and aggregated. As such, States are increasingly drawing on communications data to support law enforcement or national security investigations. States are also compelling the preservation and retention of communication data to enable them to conduct historical surveillance." *Frank La Rue, the United Nations Special Rapporteur on Freedom of Expression and Opinion, June 2013*

"For the internet to remain global and open, it is imperative that countries, including those currently lacking capacity to adequately deal with security concerns, to adopt a growth- and freedom-oriented, participative, bottom-up perspective on security that has human rights at its core." *Cross- regional statement on freedom of expression on the internet at the UN Human Rights Council in June 2013*

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1. Objectives

The 2014 GISWatch report has the following objectives:

1. To present the civil society perspective on communications surveillance practices and the challenges these pose to human rights issues. While the report will include several thematic reports on the topic written by experts in the field, country reports will, where possible, draw on the International Principles on the Application of Human Rights to Communications Surveillance as a framework of reference to analyse their specific country situation if your story has to do with surveillance by States. You are free, however, to identify and profile any surveillance case, situation, event, incident or story that is relevant for your country.
2. To provide a multidisciplinary and diverse view of the legal, institutional, technical, social and political dimensions of communications surveillance, while examining the compliance between international human rights and internet governance norms, standards and mechanisms within legal and political frameworks and the growing cyber security control measures.
3. Extract common trends, lessons learned or future action ideas from the reports, so activists can learn from each other.

What will your report be about?

Story or event focus: As with previous GISWatch editions, this year we would like authors to focus on a "story", incident or event that can be used to illustrate or discuss the theme.

Of course, the story, incident or event must be something that has happened, is happening or might happen in the near future in *your* country! Perhaps there have been incidents of local surveillance similar to the Snowden case in your country? Or some local example has come to light and citizens and organisations have reacted? Or ISPs are obliged to store and share users' data? How do these practices impact on user freedoms on the internet?

Framework for analysis

We suggest that you use the 13 International Principles on the Application of Human Rights to Communications Surveillance to frame your analysis if your story has to do with surveillance by governments. These are summarised below:

1. LEGALITY: Any limitation to the right to privacy must be prescribed by law.
2. LEGITIMATE AIM: Laws should only permit communications surveillance by specified state authorities to achieve a legitimate aim.
3. NECESSITY: Laws permitting communications surveillance by the state must limit surveillance to that which is strictly and demonstrably necessary to achieve a legitimate aim.
4. ADEQUACY: Any instance of communications surveillance authorized by law must be appropriate to fulfill the specific legitimate aim identified.
5. PROPORTIONALITY: Communications surveillance should be regarded as a highly intrusive act that interferes with the rights to privacy and freedom of opinion and expression, threatening the foundations of a democratic society.
6. COMPETENT JUDICIAL AUTHORITY: Determinations related to communications surveillance must be made by a competent judicial authority that is impartial and independent.
7. DUE PROCESS: Requires that states respect and guarantee individuals' human rights by ensuring that lawful procedures that govern any interference with human rights are properly enumerated in law, consistently practised, and available to the general public
8. USER NOTIFICATION: Individuals should be notified of a decision authorising communications surveillance with enough time and information to enable them to appeal the decision, and should have access to the materials presented in support of the application for authorization.
9. TRANSPARENCY: States should be transparent about the use and scope of communications surveillance techniques and powers.
10. PUBLIC OVERSIGHT: States should establish independent oversight mechanisms to ensure transparency and accountability of communications surveillance.
11. INTEGRITY OF COMMUNICATIONS AND SYSTEMS: States should not compel service providers or hardware or software vendors to build surveillance or monitoring capability into their systems, or to collect or retain particular information purely for state surveillance purposes.

12. SAFEGUARDS FOR INTERNATIONAL COOPERATION: If states seek assistance from a foreign service provider, agreements entered into by states should ensure that, where the laws of more than one state could apply to communications surveillance, the available standard with the higher level of protection for individuals is applied.
13. SAFEGUARDS AGAINST ILLEGITIMATE ACCESS: States should enact legislation criminalising illegal communications surveillance by public or private actors

This is just a summary of the 13 principles. Read more about them at " International Principles on the Application of Human Rights to Communications Surveillance" (https://en.necessaryandproportionate.org/about, versions available in multiple languages).

If the case, situation, event, incident or story that you will profile is not related to surveillance by governments, you are free to propose the angle and focus of your analysis and research. Please make sure you detail what your approach would be in your expression of interest for participating in this edition of GISWatch.

Summary of report characteristics

1. Language: English
2. Word count: 2300 maximum. Unfortunately, due to the number of reports, the publishing costs involved, and the editing time needed for each report, reports may NOT be longer than 2300 words.
3. Style and reference guides: Authors wil be provided with style and reference guides. Given the number of reports that need to be processed, it is important that you follow these guides to shorten and simplify the editing process.
4. Contact person: For questions or comments please contact Roxana Bassi (GISWatch coordinator, rox@apc.org) and not the list.
5. Focus of report: Communications surveillance, if possible using the common framework of the 13 principles (outlined above).

Template for report

Below is the template that we will expect authors to follow for their country reports.

- Introduction (200 words): Introduce the local context *relevant to the story, situation, incident or event you are going to discuss.* This could be the background political context, or the geographic or ICT context, the legal framework or any story or incident relevant to communications surveillance that was discussed at the local level, amongst other things. It all depends on the nature of the story, incident or event you are discussing. Make sure you also introduce your country briefly, so readers from other regions can understand the context of the article.
- Policy and political background (200 words): What is the political and policy/legislative context that the reader needs to know in order to understand your story, incident or event? For instance, this might include a brief discussion on the situation regarding privacy, security, communications surveillance, or relevant internet law, amongst many other policy, human rights or political issues. The only criteria here is that this must be *relevant* to what you are discussing.
- Description and analysis of key story/event (1200 words): Here you describe and analyse your story. We would suggest that you first begin with a complete story or event description before you begin your analysis so that the reader has a good idea of what happened, is happening or you believe might happen in the near future.
- Conclusions (500 words): **The conclusions MUST be from a surveillance, privacy, security and human rights perspective on the internet.** What key conclusions can you draw from your story? What does this tell us about the political and/or legal situation in your country? How are different stakeholders (government, citizens, human right organisations) responding? How does this relate to the worldwide situation? What can other countries learn from what happened or is happening?
- Action steps (200 words): What advocacy steps or action steps does your story, incident or event suggest for the activist? What is the likely future outcome? What lessons can we infer or learn? What are the trends you are sensing?

Payment process: Once the GISWatch coordinator has given the final approval of the report, an invoice for the contracted amount can be sent to Roxana Bassi (rox@apc.org).

Payment method: Payment will be made upon completion of the deliverables outlined above by wire transfer. The following details **must** be included with the invoice:

Recipient account information:
Beneficiary's name:
Name of receiving bank:
Receiving bank's ABA/Swift code:
Bank address:
Name of account holder:
Beneficiary's account number:

Intellectual property: All documents, materials or concepts developed under this agreement remain the sole property of APC, which will distribute them under the Creative Commons Attribution-NonCommercial-ShareAlike Licence.

The contractor hereby certifies that the language and contents of any materials submitted in his/her name are not plagiarised from any other source, and do not libel or slander any other party. Sources used must be referenced properly. The contractor assumes full responsibility for any damages resulting from claims to the contrary.

All previously existing materials or concepts supplied by the contractor remain the property of the contractor provided that a written statement of ownership is given to APC prior to the delivery of this property.

Thanks
Roxana Bassi
APC GISWatch Coordinator
http://www.apc.org - http://www.giswatch.org
------- End of forwarded message -------

Roxana Bassi
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