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“Fighting for Internet Freedom: Dubai and Beyond”

*Excerpts of Remarks by Rep. Chris Smith (NJ-04)
Subcommittee on Africa, Global Health,
Global Human Rights, and Int’l Organizations
February 5, 2013
2123 Rayburn House Office Building*

Thank you, and welcome to everyone joining us this morning.

Internet freedom is an issue of vital concern to an ever-growing number of people around the world. In a little more than two decades, the Internet has opened a vast storehouse of information to everyone with computer access. It has allowed people to communicate easily and immediately over vast distances, and changed the way products and services are marketed and sold. Most important, the Internet can promote the spread of democracy and respect for human rights. Yet it can also be used by repressive governments to censor and surveille the Internet.

Currently the Internet is regulated under a multi-stakeholder system in which both public agencies and private organizations – mostly American – play various roles. Russia and China and a host of other countries with poor human rights records have objected to this multi-stakeholder system and American influence. Some of these countries objecting to the current system have refused to recognize that fundamental freedoms such as freedom of speech and freedom of the media apply to the Internet, just as they apply to all other modes of communication. In fact, Russia has blocked passage of a simple statement to that effect in the Organization for Security and Cooperation in Europe (OSCE).

In December of last year, Russia, China and 87 other countries signed a treaty at the World Conference on International Telecommunications in Dubai. The treaty touches on vital issues of Internet governance in ways our country objected to - and in fact the United States and

54 other nations refused to sign. While the treaty is binding only on the signees, we have not heard the last of this issue. Rather we are going to have to work to defend Internet freedom against a very large number of countries that want to regulate it through the International Telecommunications Union, a UN agency.

While many of the issues that the treaty deals with are technical and do not directly concern freedom from censorship and surveillance, and while many of the countries supporting the treaty are themselves not repressive and do so for legitimate reasons, it is also clear that the repressive governments have another agenda in the treaty. It is not to promote Internet freedom, but to bring the Internet under international control in ways that will, over the long term, legitimize their own repressive practices.

This is why yesterday I reintroduced the Global Online Freedom Act, H.R. 491. This bill is a response not directly to the treaty signed in Dubai in December but to the larger and more general problem that drives many of our concerns about the Dubai – the growing use of the Internet as a tool of repression. The new Global Online Freedom Act of 2013 (GOFA) updates legislation that I first introduced in 2006 (and which in 2008 advanced through three House committees).

The new GOFA requires the State Department to beef up its reporting on Internet freedom in the annual Country Report on Human Rights Practices, and to identify by name Internet-restricting countries. It also requires Internet companies listed on U.S. stock exchanges to disclose to the Securities and Exchange Commission how they conduct their human rights due diligence, including with regard to the collection and sharing of personally identifiable information with repressive countries, and the steps they take to notify users when they remove content or block access to content. Finally, in response to many reports that we've all seen in the papers recently of U.S. technology being used to track down or conduct surveillance of activists through the Internet or mobile devices, this bill will prohibit the export of hardware or software that can be used for potentially illicit activities such as surveillance, tracking and blocking to the governments of Internet-restricting countries.

I want to thank my colleagues for cooperating with me in calling this joint hearing. It recalls the joint hearing I held with the Asia/Pacific subcommittee in 2006 on the issue of Yahoo!'s cooperation with the Chinese government in turning over personally identifiable information on Shi Tao, a dissident, to the Chinese government.

Like that hearing, today's hearing on the recent Dubai treaty is an opportunity to take stock of where we are and how we can move forward to promote and defend Internet freedom around the world. We must send a strong message to other countries – and to U.S. companies - that our government will work with them to promote Online freedom.