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**NGOs Joint Statement in support of H.R. 2271,  
the Global Online Freedom Act of 2009**

May 4, 2009

**Representative Christopher H. Smith**

Ranking Member, Subcommittee on Africa, Global Human Rights, and International Operation

We write in strong support of your legislation, the new Global Online Freedom Act of 2009 (GOFA). The new GOFA is an important bill aimed at preventing repressive governments from enlisting US companies in their effort to transform the Internet into a tool of surveillance and repression.

In countries with repressive governments such as China, the Internet has given people unprecedented opportunities to communicate with each other and to learn about the outside world in ways that their governments forbid. But undemocratic government regimes are back, by making Internet and technology companies allies in their repression. China, for example, has pressured Yahoo! to turn over its secret cyber police records of political dissidents who send sensitive information over email. One such dissident, Shi Tao, was recently sentenced to 10 years in prison after being identified by Yahoo. China has also convinced Microsoft to shut down Internet blogs in which Chinese users were criticizing their government, and persuaded Google to censor its search engine results. Chinese citizens using Google's Chinese search engine now cannot even learn of the existence of information about human rights and democracy on the Internet, including that found on U.S. government supported websites such as the Voice of America.

Internet companies argue that people living under repressive governments such as China are better off if U.S. companies are there to influence the development of this medium. We agree – so long as U.S. companies set a higher standard with respect to privacy and free expression than do local providers in these societies. Thus far, and despite the organization of the Global Network Initiative, the leading U.S. companies are

not doing so. But this legislation could change that, and help ensure that American Internet companies are forces of increased respect for human rights and not tools of further repression. With the Global Online Freedom Act, when the secret police of a repressive government ask an American Internet company to turn over personally identifying information about a political dissident, that company will have to notify the Attorney General, who will have the authority to order the company not to comply.

Crucially, the bill would make it more difficult for repressive governments to obtain Internet user information from U.S. companies when seeking to punish dissidents or other individuals for exercising their right to free expression, as user data would have to be stored outside countries such as China that use such information to jail its citizens. In addition, the bill prohibits U.S. companies from disclosing to officials of repressive countries such as China personally identifying user information except for legitimate law enforcement purposes. Decisions about what information can be disclosed would be made by the U.S. government, removing this burden from the companies involved.

By moving quickly to pass this bill in advance of the Beijing Olympics, Congress would send a clear message that US technology firms cannot be forced to violate international human rights standards. It would signal to people around the world that the United States will act to defend free expression on the Internet.

Thank you for introducing this important legislation and working for its speedy enactment.

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