

MEP SANDRINE BÉLIER: A WAVE OF INTERNET CENSORSHIP THREATENS EUROPE

LE 17 FÉVRIER 2010 SANDRINE BÉLIER

Deuxième article du cycle de traduction entamé par Owni : Hadopi, Loppsi, Acta, Paquet Télécom, Sandrine Bélier revient sur les menaces qui planent sur Internet.



[MAJ] 20/02/2010 > Our colleagues from 2-ufer **translated the article in german** : danke /-)

Italy, Germany, Great-Britain, Spain, Bulgaria ... Internet control and censorship is getting organised. In France, the government says we wouldn't have to worry – Are we sure about that ? asks **Sandrine Bélier**, the 36 years-old Green Member of the European Parliament.

When I expressed my fears about the potential abuses in terms of surveillance and their effects on civil liberties and individual freedom, Nathalie Kosciusko-Morizet, currently in charge of digital economy in Sarkozy's government, wanted to give me reassurances : "France is not China".

FRANCE : from HADOPI to LOPPSI

In fact, French government tries to reinforce its control of the web. The HADOPI law, adopted

few months ago, **attempts to control and regulate Internet access as a means to encourage compliance with copyright laws. "HADOPI" is the government agency created by the eponymous law.** This agency will be in charge of setting up the so-called three-strike sanction, or graduated response, which sees consumers disconnected after a number of notification letters warning that they are violating copyright.

Despite a strong mobilisation from bloggers, journalists and web activists, the law passed, and we are now waiting for it to come into effect ... Right now, **the LOPPSI bill** is triggering additional reactions. LOPPSI is a bundle of repressive measures concerning video surveillance cameras, traffic control or intelligence services. This bill allows French Home Office to blacklist illegal websites i.e. providing child pornography. Internet service providers will then have to block those sites.

The European Parliament strikes back

"France and Europe are not China". One question then : how should we explain the conflict about the amendment 138 to the **Telecom Package**, also known as the "anti-Hadopi amendment" in the European Parliament ?

This amendment was finally adopted and says that *"measures taken regarding end-users' access to or use of services and applications through electronic communications networks shall respect the fundamental rights and freedoms of natural persons, including in relation to privacy, freedom of expression and access to information and the right to a judgement by an independent and impartial tribunal..."* However, at the end of 2009, the Council of the European Union (under France's pressure) made some considerable efforts to erase from the 138th amendment the expressions *"exceptional circumstances"* *"presumption of innocence"* and *"impartial procedure"* . It also added multiple exceptions to civil liberties. Why? Some said that the Council aimed at forcing an anti web-control Parliament to compromise. I see it as a bad omen that shows a will to restrain free use of the web, with no warranties to secure Internet users' rights. I see it as a serious threat to freedom of information, to freedom of expression and to personal data confidentiality.

Demonstrations in Sofia

If France has HADOPI and LOPPSI, Bulgaria has its burden too. Hundreds of citizens demonstrated in Sofia, shouting "Bulgaria is not Big Brother, 2009 is not 1984!". The AFP says that this demonstration gathered people from 38 NGOs protesting against the adoption of a bill that "authorizes the surveillance of Internet and mobile communications for people that are suspected of an offense or a crime punishable by at least two years' imprisonment. The police will be able to do so without asking the permission to a judge. Supposed to strengthen the fight on crime, this proceeding is made to speed up all the process of putting someone under surveillance".

Mobilization in Spain

In Spain, citizens are protesting against the Government since a bill on "sustainable economy" plans the creation of an "intellectual property commission". This commission would have the power to block websites that allow to download music, movies and videogames. The citizen response was immediate : bloggers, journalists, artists and people working on the Internet gathered around a *"Manifesto for the defense of online fundamental rights"*. The text was published on more than 58.000 blogs in a few hours !

The signatories agreed that *"copyright cannot be placed above citizens' fundamental rights like privacy rights and freedom of expression. These rights cannot be suspended outside justice"*.

Italy : threats to video broadcasting

In Italy, Berlusconi's government initially proposed to extend to the Internet the same restricting rules applying to television. Those rules are strict: to broadcast something, you have to get the authorization of the communication ministry! The targets? Online broadcast platforms like Youtube or Dailymotion and all the independent webTVs... Officially, it is not censorship, just a way of balancing rights and obligations... [The proposal has been watered down in current days after wide protests among activists and the Communication authority itself].

ACTA : secret negotiations

"Europe is not China"... But what shall we then again think about the ACTA (Anti-Counterfeiting Trade Agreement) top secret negotiations ? European countries are part of

the negotiations, but not China. Leaks from some confidential documents clearly states that one of this treaty's goals is to lead the states to adopt repression measures against file sharing like the three-strike sanction or Internet filtering.

The European Parliament, in its 11th march 2009 resolution, asked for more transparency on this negotiations. We haven't been heard yet. This lack of transparency is particularly worrying if not intolerable and against the European Union democratic values.

Europe and France are not China. But we need to guarantee our citizens and web users the protection against all potential abuses and detrimental to civil liberties and individual freedom. Citizens have to be protected against technologies and public or private organisations that can monitor their online activities.

I agree with Tim Berners Lee, inventor of the World Wide Web, when he states :

"I want to know if I look up a whole lot of books about some form of cancer that that's not going to get to my insurance company and I'm going to find my insurance premium is going to go up by 5% because they've figured I'm looking at those books"

It would have been fairer and more reassuring to secure web users' rights first. This is not our governments perspective. And at the time when French Parliament debate on LOPPSI, we created an Internet Core Group at the European Parliament. Its goal is to put forward an "Internet Bill of Rights" to the European Commission.

It would have been better to start by this move. But – and it's not some unrealistic thought – I fear that our governments' purpose is not to secure those rights today.

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» **The original article (in French) : Hadopi, Loppsi : les censeurs du net s'organisent**

» **Translation by Guillaume Ledit (and a litte bit by Adriano Farano) /-**

» **Illustration by Loguy**

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