

July 3, 2011 [Editorial]

Free Speech and the Internet

As the United Nations has said, access to the Internet is a human right. A [report](#) by the U.N.'s special rapporteur presented last month to the Human Rights Council in Geneva warns that this right is being threatened by governments around the world — democracies included.

The main concern is about oppressive regimes trying to squash political dissent — like China, which jails bloggers, blocks Web sites and filters the Internet to eradicate words, including “democracy,” from the conversation.

The report also warned against overzealous attempts by democratic states to control or censor online communications. Stopping infringement of intellectual property or the distribution of child pornography is legitimate. But governments must protect citizens' rights to speak freely — anonymously when necessary.

In Italy, a court convicted Google executives because a user uploaded a video on YouTube depicting cruelty to a disabled teenager, even though Google quickly removed the offending content. Brazil's Congress is debating legislation that would require Internet service providers to keep a log of customers' online activity for three years, which authorities could access without a court order to pursue crimes such as calumny.

The French and British parliaments have passed draconian laws that would ban users from the Internet for illegally downloading copyrighted material. The United States Senate is considering an intellectual property bill that would allow the government or private businesses to take action against a potentially large array of Web sites for “facilitating” piracy, an excessively broad definition.

The U.N. has proposed sound guidelines to defend free expression: censorship of content online must be transparent and enforced only through the courts. Governments should not rely on private entities like service providers to censor content and should not hold them liable for user content. Counterterrorism should not be an excuse to bar expression, unless it is to prevent imminent threats.

With few exceptions, governments should not adopt Internet registries that require users to reveal their identities. And defamation — so often used as a legal tool to repress political speech — should be decriminalized. Finally, nobody should be banned from the Internet. It is a fundamental tool for enabling free speech.