

DIGITAL FAIRIR SQUARE: AN ANALYSIS OF HUMAN RIGHTS AND THE INTERNET EXAMINED THROUGH THE LENS OF THE EGYPTIAN ARAB SPRING

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*Before [January] 28th he really criticized us and wrote on his status: 'Are you guys joking? A revolution through Facebook? What the hell, there is no hope.' And then the moment they shut down the communications this person turned 180 degrees and said 'OK, this is too much, I am going to take to the streets.' It was a changing point for him.*¹

I. INTRODUCTION

At approximately 12:30 a.m. local time on Friday, January 28, 2011, the Egyptian government severed the nation's Internet and mobile networks in an unprecedented attempt to silence the voice of its citizens. The crackdown was the first of its kind in size and scope,² and was a reaction against the Egyptian public's widespread and enthusiastic embrace of social media³ and digital technologies to share information, mobilize support, and organize on-the-ground movements in opposition to the government. Although the Internet blackout did not ultimately succeed in quelling the demonstrators' momentum, the desperation underpinning then-President Hosni Mubarak's drastic act revealed the critical role that social media played in fortifying the Egyptian Arab Spring movement.⁴

1. Egyptian activist Nora Rafea recounted the skepticism of her cousin in an interview on July 18, 2011, in Cairo. Paolo Gerbaudo, *The 'Kill Switch' as 'Suicide Switch': Mobilizing Side Effects of Mubarak's Communication Blackout*, WESTMINSTER PAPERS COMM. & CULTURE, April 2013, at 25, 34.

2. Comprehensive Internet shutdowns had occurred only twice before on a national scale—in 2005 in Nepal and in 2007 in Myanmar. See Masashi Crete-Nishihata & Jillian C. York, *Egypt's Internet Blackout: Extreme Example of Just-in-Time Blocking*, OPENNET INITIATIVE (Jan. 28, 2011), <http://opennet.net/blog/2011/01/egypt-s-internet-blackout-extreme-example-just-time-blocking>. Egypt's Internet blackout demobilized nine out of ten Internet service providers, while one, Noor Data Networks, remained in operation to provide access to the country's stock exchange. See Christopher Williams, *How Egypt Shut Down the Internet*, TELEGRAPH (Jan. 28, 2011), <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/egypt/8288163/How-Egypt-shut-down-the-internet.html>; see also *Transparency Report*, GOOGLE, <http://www.google.com/transparencyreport/traffic/explorer/?r=EG&l=WEBSEARCH&csd=1295982520854&ced=1297503440991> (last visited Nov. 6, 2014) (providing a visual representation of Internet usage in Egypt surrounding the shutdown).

3. The term "social media" as used throughout this Note will draw from the definition put forth by Hunsinger and Swift, referring to "networked information services designed to support in-depth social interaction, community formation, collaborative opportunities and collaborative work." Jeremy Hunsinger & Theresa Swift, *Introduction*, in *THE SOCIAL MEDIA HANDBOOK* 1, 1 (Jeremy Hunsinger & Theresa Swift eds., 2014). Most forms of social media discussed in this Note involve a person-to-person networking element, and all rely on the Internet or mobile networks for dissemination. "Social media" and "new media" will be used interchangeably.

4. "Arab Spring" is a term frequently used to describe the series of pro-democracy uprisings and revolutions that began in Tunisia in late 2010 and gained momentum throughout the Middle East and North Africa in 2011. The uprisings came about as many public frustrations, societal inequalities, and political abuses coalesced. Factors contributing to the movements included, but were not limited to, corrupt authoritarian government structures, prevalent human rights abuses, economic instability, lack of employment opportunities, a large youth population, a deep sense of deprivation and injustice, and feelings of inspiration and encouragement generated by the success of the early protests. See JAMES L.

The Egyptian protests began in earnest on January 25, 2011, when tens of thousands of people filled the streets to demand the end of President Mubarak's regime. Inspired by the overthrow of the authoritarian government in Tunisia a month earlier, Egyptians mobilized around "a largely secular, nonviolent, youth-led democracy movement that brought Egypt's liberal and Islamist opposition groups together for the first time under its banner."⁵ The protests gained momentum as a result of Mubarak's electronic communication blackout, as the loss of connectivity further alienated the generation of "Internet youth" and served as a tipping point for many previously unaffiliated citizens who began to sympathize with the movement.⁶ Ultimately, the Egyptian citizens proved to be a formidable opponent. Mubarak stepped down on February 11, 2011, after eighteen days of protest.⁷

While many scholars and commentators reject dubbing the 2011 uprisings a "Facebook Revolution,"⁸ there is no doubt that new media helped facilitate the organization, mobilization, and publicity of the civilian movement. Yet the human rights questions raised by the use of online tools and governmental interference with Internet and mobile network connectivity remain underexplored.

GELVIN, THE ARAB UPRISINGS: WHAT EVERYONE NEEDS TO KNOW 1–30 (2012). It is important to note, however, that the characteristics of the uprisings were diverse—goals differed from country to country, spanning from reform to regime change, and means of demonstration ranged from peaceful to violent. *See id.* at 31. Despite its common usage, some commentators have criticized the term "Arab Spring" as misrepresenting the movements. One argument is that by drawing on comparisons to previous political springs, the term construes the revolutions as fitting neatly into "a pre-existing approved [Western] ideological narrative – the dictatorships of the Middle East are merely the latest in a long line of tyrannies to have been undermined by the relentless march of progress and liberal democracy." Ed Rooksby, *Summer's Here and It's Time to Call the 'Arab Spring' a Revolution*, GUARDIAN (June 14, 2011), <http://www.theguardian.com/commentisfree/2011/jun/14/arab-spring-revolution>. Another argument notes that the spring metaphor oversimplifies the movement, connoting a spontaneous "season of renewal" that undermines the years of struggle and opposition endured by those critical of the dictatorships. *See* Maytha Alhassen, *Please Reconsider the Term "Arab Spring"*, HUFFINGTON POST (Feb. 10, 2012), http://www.huffingtonpost.com/maytha-alhassen/please-reconsider-arab-sp_b_1268971.html. In an effort to use more accurate terminology, one commentator dubbed the events the "Dignity Revolutions" to reflect the most unifying element of all the uprisings: a demand for the right to human dignity. *Id.*

5. David D. Kirkpatrick, *Egypt Erupts in Jubilation as Mubarak Steps Down*, N.Y. TIMES (Feb. 11, 2011), <http://www.nytimes.com/2011/02/12/world/middleeast/12egypt.html?pagewanted=all>.

6. Gerbaudo, *supra* note 1, at 33–35.

7. *See* Kirkpatrick, *supra* note 5.

8. *See, e.g.*, Bahgat Korany & Rabab El-Mahdi, *The Protesting Middle East*, in ARAB SPRING IN EGYPT: REVOLUTION AND BEYOND 7, 14 (Bahgat Korany & Rabab El-Mahdi eds., 2012); Peter Beaumont, *The Truth About Twitter, Facebook and the Uprisings in the Arab World*, GUARDIAN (Feb. 25, 2011, 3:00 AM), <http://www.theguardian.com/world/2011/feb/25/twitter-facebook-uprisings-arab-libya>.

This Note seeks to show the ways in which instances of Internet and social media usage are indeed protected as fundamental human rights. Using the Egyptian Arab Spring as a case study, this Note will address three areas of inquiry concerning human rights.⁹ First, it will explore the application of human rights protecting communication and affiliation—including freedom of expression, freedom of the press, and freedom of association—to Internet usage. Next, it will consider various impacts of the Internet and social media on equality rights, addressing issues such as discrimination, equal access, and women's rights. Finally, taking into account the pivotal role of private companies which provide Internet and social media services, this Note will look at the human rights obligations of non-state actors with respect to information and communications technology, and interpret what is understood to constitute corporate social responsibility under the reign of the Internet.

II. COMMUNICATION AND AFFILIATION RIGHTS IMPLICATED BY THE USE OF THE INTERNET AND NEW MEDIA

In a 2011 report, Frank La Rue, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, noted that access to an Internet connection has not *yet* become a core human right.¹⁰ Nonetheless, it is clear that the Special Rapporteur considered the modern human rights landscape to be progressing toward one in which equal access to the Internet should be fundamentally preserved.¹¹ Indeed, some nations have taken affirmative steps toward recognizing Internet access as a human right.¹² Still, even in the absence of

9. Many of the events and topics discussed in this Note also raise serious human rights concerns related to privacy; torture; cruel, inhuman, or degrading treatment; arbitrary detention; and other fundamental rights. An examination of those rights is beyond the scope of this Note, which will focus primarily on principles of freedom of expression, freedom of the press, freedom of association, nondiscrimination, and corporate responsibility.

10. See Frank La Rue (Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression), *Promotion and Protection of the Right to Freedom of Opinion and Expression*, ¶ 61, U.N. Doc. A/66/290 (Aug. 10, 2011) [hereinafter La Rue, *August 2011 Report*].

11. See *id.*

12. Government bodies in Estonia, France, and Costa Rica have declared Internet access a right. See Frank La Rue (Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression), *Rep. of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*, ¶ 65, U.N. Doc. A/HRC/17/27 (May 16, 2011) [hereinafter La Rue, *May 2011 Report*]. Furthermore, an Internet connection of at least one megabyte per second has been guaranteed in Finland, see *id.*, and Spain, see Sarah Morris, *Spain Govt to Guarantee Legal Right to Broadband*, REUTERS (Nov. 17, 2009, 1:26 PM), <http://www.reuters.com/article/2009/11/17/spain-telecoms-idUSLH61554320091117>. The Greek Constitution also preserves a right to “participate in the Information Society,” and the government has an obligation to facilitate “access to electronically

a baseline obligation requiring governments to provide their citizens with access to the Internet, use of the Internet is protected within the existing human rights framework in a variety of circumstances. This Note will use the Egyptian Arab Spring to illustrate a number of ways in which freedom of expression, freedom of the press, and freedom of association protect the use of the Internet and social media.

A. Freedom of Expression

The Internet has facilitated a dramatic expansion of new forms of media and information. The Special Rapporteur emphasized that “[v]ery few if any developments in information technologies have had such a revolutionary effect as the creation of the Internet,”¹³ alluding to the importance of an equally progressive expansion in freedom of expression. For example, the Internet allows for instant, interactive communication generated by any individual and directed at any audience. Indeed, “with the advent of . . . intermediary platforms that facilitate participatory information sharing and collaboration in the creation of content, individuals are no longer passive recipients, but also active publishers of information.”¹⁴ Accordingly, any individual can participate in “citizen journalism” by publishing her own observations, pictures, and videos to a global audience.¹⁵ Secretary of State Hillary Clinton, in a 2010 address on Internet freedom, recognized that modern freedom of expression is “no longer defined solely by whether citizens can go into the town square and criticize their government without fear of retribution. Blogs, emails, social networks, and text messages have opened up new forums for exchanging ideas, and created new targets for censorship.”¹⁶

Egyptians harnessed new information platforms both before and during the Arab Spring protests. Thousands of blogs documenting corruption and brutality effected by the Mubarak regime existed years before Mubarak’s eventual overthrow, and the number increased dramatically in the period leading up to the January 25 revolution.¹⁷

transmitted information, as well as . . . the production, exchange and diffusion thereof.” 2008 SYNTAGMA [SYN.] [CONSTITUTION] art. 5A.

13. La Rue, *May 2011 Report*, *supra* note 12, ¶ 19.

14. *Id.*

15. See MOLLY LAND ET AL., WORLD BANK, #ICT4HR: INFORMATION AND COMMUNICATION TECHNOLOGIES FOR HUMAN RIGHTS 13–14 (2012).

16. Hillary Clinton, Sec’y of State, Remarks on Internet Freedom (Jan. 21, 2010), <http://www.state.gov/secretary/20092013clinton/rm/2010/01/135519.htm>.

17. See Emad El-Din Shahin, *The Egyptian Revolution: The Power of Mass Mobilization and the Spirit of Tahrir Square*, in REVOLUTION, REVOLT, AND REFORM IN NORTH AFRICA: THE ARAB SPRING AND BEYOND 70, 84 (Ricardo René Larémont ed., 2014).

Websites run by regular citizens, news organizations, and banned political parties created a new political space for criticizing the government, investigating human rights abuses, and spreading democratic ideals. Relatedly, Facebook became a major platform for political discourse.¹⁸ New technology also served to connect Egypt to the international community. Twitter, by facilitating real-time conversations about government actions, protestors' demands, and turnout at demonstrations, allowed the rest of the world to observe the movement as it unfolded and engage with activists by commenting and showing support.¹⁹

As evidenced by the innovative tools used by Egyptian activists, the development of the Internet has had a profound impact on the scope of the basic right to freedom of expression, which was first internationally recognized in the 1948 Universal Declaration of Human Rights (UDHR).²⁰ That the UDHR's drafters likely could not have imagined the technologies that facilitate the present-day freedom of expression is of no moment; they protected a broad right "to seek, receive and impart information and ideas through *any media* and regardless of frontiers."²¹

The same right to freedom of expression is enshrined the International Covenant on Civil and Political Rights (ICCPR), a legally binding treaty ratified by Egypt in 1982.²² Echoing the UDHR, the ICCPR also provides for freedom of expression through "any other media," and the UN Human Rights Committee has expressly interpreted protected expression to include "all forms of audio-visual as well as electronic and internet-based modes of

18. See Philip N. Howard et al., *Opening Closed Regimes: What Was the Role of Social Media During the Arab Spring?* 17 (Project on Info. Tech. & Political Islam, Univ. of Wash., Working Paper No. 2011.1, 2011), available for download at <http://philhoward.org/opening-closed-regimes-what-was-the-role-of-social-media-during-the-arab-spring/>.

19. See *id.* at 16.

20. See G.A. Res. 217 (III) A, Universal Declaration of Human Rights [UDHR], art. 19 (Dec. 10, 1948) ("Everyone has the right to freedom of opinion and expression . . .").

21. *Id.* (emphasis added).

22. Article 19 provides:

- (1) Everyone shall have the right to hold opinions without interference.
- (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of in the form of art, or through any other media of his choice.
- (3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

International Covenant on Civil and Political Rights [ICCPR] art. 19, Dec. 16, 1966, S. Exec. Doc. No. E, 95-2, 999 U.N.T.S. 171.

expression.”²³ In ratifying the ICCPR, States enter into a contractual relationship with other State parties to uphold their enumerated human rights commitments. Thus, the Egyptian government’s decision to shut down the Internet and effectively eliminate a major platform for sharing opinions and exchanging information violated its legal obligation to “respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the [ICCPR].”²⁴

Despite ensuring the openness of expression through media, the ICCPR identifies several exceptional circumstances during which expression may be legitimately restricted.²⁵ According to the Special Rapporteur, any government-sanctioned limitation on expression must pass a three-part, cumulative test:

- (a) It must be provided by law, which is clear and accessible to everyone (principles of predictability and transparency); and
- (b) It must pursue one of the purposes set out in article 19, paragraph 3 of the [ICCPR], namely (i) to protect the rights or reputation of others, or (ii) to protect national security or of public order, or of public health or morals (principle of legitimacy); and
- (c) It must be proven as necessary and the least restrictive means required to achieve the purported aim (principles of necessity and proportionality).²⁶

These requirements are construed narrowly, and the body imposing the limitation on freedom of expression must satisfy each in turn.

To meet the first requirement, the limitation must take the form of a formally-adopted law which is accessible to the public and “formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly.”²⁷ The Egyptian government gave no official justification for its decision to sever the nation’s Internet connection,²⁸ but its pre-existing laws shed light on the purported legality of the action. Egypt’s Emergency Law, for example, authorizes security agencies to

23. See Human Rights Comm., General Comment No. 34, ¶ 12, U.N. Doc. CCPR/C/GC/34, (Sept. 12, 2011) [hereinafter General Comment No. 34].

24. ICCPR, *supra* note 22, art. 2(1).

25. See *id.* art. 19(3). Note, however, that the ICCPR “permits no exception or restriction” with respect to the right to freedom of opinion. See Comm. on Econ., Soc. & Cultural Rights, General Comment No. 10, at 18, U.N. Doc. E/1999/22 (Dec. 1, 1988).

26. La Rue, *May 2011 Report*, *supra* note 12, ¶ 24.

27. General Comment No. 34, *supra* note 23, ¶ 25.

28. See, e.g., Gerbaudo, *supra* note 1, at 34.

undertake a range of censorship and communications monitoring.²⁹ While certain justifiable human rights derogations are anticipated by the ICCPR in times of public emergency,³⁰ the standard for invoking this procedure is exceptionally high. The emergency must be of a character “which threatens the life of the nation,” and States must carefully justify their actions, subject to review by the UN Human Rights Committee and monitoring by other States parties.³¹ Moreover, derogations must be temporary, with the goal of restoring “a state of normalcy” wherein full observance of international human rights can once again be secured.³²

In contrast with the ICCPR’s strict criteria for what constitutes a legitimate state of emergency, at the time of the Arab Spring, Egypt had been operating under emergency law almost continuously for over fifty years.³³ The justification for the state of emergency included a number of permanent “destabilizing factors” thought to threaten Egypt’s national security,³⁴ and a presidential decree renewing the Emergency Law in May 2010 stated that enforcement “will be limited to cases of combatting the dangers of terrorism and its finance and the purchase, export and trafficking in narcotics.”³⁵ The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has urged Egypt to withdraw its state of emergency and expressed consistent concern with the legislation both before and after the Arab Spring uprisings.³⁶ As he put it: “A state of emergency almost continuously in force for more than 50 years in Egypt is not a state of exceptionality; it

29. See FREEDOM HOUSE, FREEDOM ON THE NET 2011: A GLOBAL ASSESSMENT OF INTERNET AND DIGITAL MEDIA 123 (2011).

30. ICCPR, *supra* note 22, art. 4(1).

31. Human Rights Comm., CCPR General Comment No. 29, ¶¶ 3, 10, 17, U.N. Doc. CCPR/C/21/Rev.1/Add.11 (Aug. 31, 2001) (noting that “[n]ot every disturbance or catastrophe qualifies as a public emergency which threatens the life of the nation,” and that an armed conflict will not necessarily be enough to trigger the provision).

32. *Id.* ¶ 1.

33. See Martin Scheinin (Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism), *Mission to Egypt*, ¶ 5, U.N. Doc A/HRC/13/37/Add.2 (Oct. 14, 2009); Ben Emmerson (Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism), *Addendum – Follow-Up Report to Country Missions*, ¶ 6, U.N. Doc A/HRC/20/14/Add.2 (June 15, 2012); Caitlin Dewey, *What it Means That Egypt is Entering a ‘State of Emergency’*, WASH. POST (Aug. 14, 2013), <http://www.washingtonpost.com/blogs/worldviews/wp/2013/08/14/what-it-means-that-egypt-is-entering-a-state-of-emergency/>.

34. Scheinin, *supra* note 33, ¶ 5 (outlining factors related to terrorism, such as the activities of Hizbullah and Al-Qaida, Egypt’s proximity to Gaza, and the presence of the Muslim Brotherhood in Egypt).

35. Emmerson, *supra* note 33, ¶ 6.

36. See Scheinin, *supra* note 33, ¶¶ 5–8, 49; Emmerson, *supra* note 33, ¶¶ 5–9.

has become the norm, which must never be the purpose of a state of emergency.”³⁷ Thus, in light of the Emergency Law’s broad scope, long-standing existence in force, and lack of connection to a specific threat to the life of the nation, it is unlikely to qualify as a legitimate basis for derogating fundamental human rights under ICCPR Article 4, and likewise does not provide a permissible legal basis for limiting freedom of expression under ICCPR Article 19.

Next, to satisfy the second requirement, the limitation must fall within two narrow aims—respect for the human rights or reputation of others, or protection of national security, public order, or public health or morals. Mubarak likely would have justified his actions as protecting public order and the rights of pro-government Egyptians. However, the state of the demonstrations did not support this as a legitimate purpose because the protesters continuously stressed the peaceful nature of the demonstrations,³⁸ and the Muslim Brotherhood, Egypt’s outlawed Islamic opposition group, did not officially participate in the movement.³⁹ Furthermore, official government propaganda denied even the existence of the demonstrations,⁴⁰ undermining any strong claim for the legitimacy of its actions.

The purposes enumerated in Article 19(3) of the ICCPR are generally meant to address much more serious situations than large civilian protests demanding democratic change. Legitimate restrictions are usually limited to instances involving child pornography; hate speech; defamation; direct and public incitement to commit genocide; advocacy of national, racial, or religious hatred that constitutes incitement to discrimination; hostility or violence; and incitement to terrorism.⁴¹ Given the circumstances leading up to the Internet shutdown, and considering the government’s failure to provide any explanation for its actions, the Egyptian government’s action also fails to meet the second requirement of the Special Rapporteur’s test.

Finally, to fulfill the third requirement, the restriction “must be necessary for a legitimate purpose”⁴² and “the least intrusive instrument

37. Scheinin, *supra* note 33, ¶ 6.

38. See Shahin, *supra* note 17, at 85.

39. See Kareem Fahim, *Violent Clashes Mark Protests Against Mubarak’s Rule*, N.Y. TIMES (Jan. 25, 2011), <http://www.nytimes.com/2011/01/26/world/middleeast/26egypt.html?pagewanted=all>.

40. See Gerbaudo, *supra* note 1, at 35.

41. See La Rue, *May 2011 Report*, *supra* note 12, ¶ 25; see also La Rue, *August 2011 Report*, *supra* note 10, ¶¶ 20–36.

42. General Comment No. 34, *supra* note 23, ¶ 33 (internal quotation marks omitted).

amongst those which might achieve their protective function.”⁴³ In this case, even had the crisis been as Mubarak perceived, disconnecting the Internet and mobile phone networks for days was not a proportionate response. While perhaps intended to discourage the mobilization and association of protesters, the communication blackout extended much further, blocking calls for emergency medical assistance and impeding routine business communications.⁴⁴ Moreover, the action did not even achieve its aim of suppressing the demonstrations. Rather, it had an inverse effect, mobilizing more Egyptians in opposition to the government.⁴⁵ And yet the Internet remained disconnected for five days. Mubarak’s response was not necessary, nor was it the least restrictive means to achieve a legitimate aim, failing the third requirement of the Special Rapporteur’s test. Instead, it appears that Mubarak’s true motivation was to restrict the type of speech that the Special Rapporteur warns should never be limited: “discussion of Government policies and political debate; reporting on human rights; Government activities and corruption in Government; . . . peaceful demonstrations or political activities, including for . . . democracy; and expression of opinion and dissent.”⁴⁶

B. Freedom of the Press

The ICCPR protects the right to “seek, receive and impart information and ideas of all kinds, regardless of frontiers.”⁴⁷ The dual nature of this right emphasizes that both the individual’s right to seek and receive information and the media’s right to impart such information are protected. Indeed, the UN Human Rights Committee emphasizes that protected expression includes journalism, political discourse, commentary on public affairs, and discussion of human rights.⁴⁸

Egypt had a history of censoring the media long before the Arab Spring protests began. Before the 1990s, broadcast media was highly censored and media outlets were primarily dominated by the government.⁴⁹ Following a wave of media privatization, Egyptian press laws were updated in 2006, allowing international and non-Egyptian news sources to gain

43. *Id.* ¶ 34 (quoting Human Rights Comm., General Comment No. 27, ¶ 14, U.N. Doc. CCPR/C/21/Rev.1/Add.9, (Nov. 2, 1999)).

44. *See* Gerbaudo, *supra* note 1, at 34.

45. *Id.* at 33–35.

46. La Rue, *August 2011 Report*, *supra* note 10, ¶ 42.

47. ICCPR, *supra* note 22, art. 19(2).

48. *See* General Comment No. 34, *supra* note 23, ¶ 11.

49. *See* PHILIP N. HOWARD & MUZAMMIL M. HUSSAIN, DEMOCRACY’S FOURTH WAVE?: DIGITAL MEDIA AND THE ARAB SPRING 93–94 (2013).

access to the country.⁵⁰ While this allowed a previously isolated society to connect with the outside world, domestic sources continued to be heavily influenced by official government versions of the public narrative.⁵¹ The introduction of the Internet facilitated a flourishing online civil society; for the first time citizens could access new, diverse political information and uncensored international news. This encouraged a new public platform for discussion. Indeed, “[f]or citizens whose political discussions were often marginalized to the safety of the private sphere, online discussion spaces allowed for more autonomous and semi-public political discussions and public opinion formation.”⁵²

Citizen journalists worked in concert with official news sources, also predating the January 2011 protests. One study, analyzing Egyptian online forums in 2006, noted that users reviewed and debated almost every news event that year.⁵³ Bloggers held a unique position: “[f]ree from the institutional constraints of news organizations, digital activists [were] free to reshape and repackage news information with their personalized interpretations and motivating messages for sympathetic audiences.”⁵⁴ In some cases, civilian journalism was incorporated by official news sources. For example, as the Arab Spring was unfolding, Al Jazeera employed user-generated content in blogs and live updates that were published alongside fact-verified in-depth articles.⁵⁵

Mubarak’s Internet shutdown prevented Egyptians from accessing and contributing to online news and information sources. The lack of connectivity acted as a severe impediment to seeking, receiving, and imparting ideas that originated both in Egypt and abroad. The impact was especially severe due to the nation’s tradition of reliance on online news sources. Even notwithstanding the media censorship leading up to the January 28, 2011 Internet blackout, an act with such a profound chilling effect on information sharing implicates the right to freedom of expression as required by the ICCPR and Egypt’s ratification of the instrument.

Equally problematic were the regime’s attacks on citizen journalists and bloggers, which increased in frequency during the January 2011 protests. The Special Rapporteur underscored that targeting individuals to silence legitimate expression or spread intimidation is intolerable, even

50. *See id.* at 94.

51. *See id.*

52. *Id.* at 95.

53. *Id.* at 97–98.

54. *Id.* at 97.

55. *See id.* at 100.

when the targets are Internet users.⁵⁶ Nonetheless, government officials repeatedly arrested, detained, interrogated, and tortured Egyptians who blogged or used social media to share messages criticizing the government. Wael Ghonim, the administrator of a popular Facebook group,⁵⁷ was the target of one such attack. Despite posting anonymously, Ghonim was arrested on January 28, 2011, interrogated, and detained for eleven days.⁵⁸

This type of State action can only qualify as a permissible, proportionate restriction on freedom of expression in very rare cases.⁵⁹ To uphold its international commitment, Egypt would have to demonstrate that: “(a) the expression [was] intended to incite imminent violence; (b) it [was] likely to incite such violence, and (c) there [was] a direct and immediate connection between the expression and the likelihood or occurrence of such violence.”⁶⁰ Wael Ghonim, like many of his fellow cyberactivists, used the Internet to spread information, advocate for government accountability and transparency, and mobilize support for peaceful demonstrations.⁶¹ Far from inciting violence or bringing about a state of emergency, the Egyptian bloggers and citizen journalists merely threatened the government’s self-perception of infallibility.

C. Freedom of Association and the Right of Peaceful Assembly

Another development facilitated by the advent of the Internet was the creation of new spaces for associating with like-minded individuals. Freedom of peaceful assembly and freedom of association are provided for in both the UDHR⁶² and the ICCPR.⁶³ Traditionally, these rights related to associating with groups such as labor unions, political parties, and religious groups, as well as meeting and demonstrating publicly. As with the freedom of expression, the ICCPR allows for restricting the right to free association when necessary to protect national security, public order, public health, and the rights and freedoms of others.⁶⁴

Virtual connectivity has significantly expanded the means by which individuals can associate and assemble. The Internet has created a space for

56. La Rue, *May 2011 Report*, *supra* note 12, ¶ 33.

57. *See infra* text accompanying notes 68–70.

58. *See Wael Ghonim: Creating a ‘Revolution 2.0’ in Egypt*, NPR (Feb. 9, 2012, 1:32 PM), <http://www.npr.org/2012/02/09/146636605/wael-ghonim-creating-a-revolution-2-0-in-egypt>.

59. *See* ICCPR, *supra* note 22, art. 19(3).

60. La Rue, *May 2011 Report*, *supra* note 12, ¶ 36.

61. *See Wael Ghonim: Creating a ‘Revolution 2.0’ in Egypt*, *supra* note 58.

62. *See* UDHR, *supra* note 20, art. 20.

63. *See* ICCPR, *supra* note 22, arts. 21–22.

64. *See id.*

people to find and connect with others, free from the geographical, temporal, or logistical constraints that confine offline associations. Indeed, Secretary of State Clinton called the Internet “the public space of the 21st century—the world’s town square, classroom, marketplace, coffeehouse, and nightclub.”⁶⁵ This phenomenon can be explained by the enhanced capacity for network-building provided by online tools:

Email and the Internet are not merely additional channels or spaces extending the boundaries of freedom of association and assembly into cyberspace. They allow for forms of association and assembly that were previously not possible, going beyond mere virtual equivalents of physical association and assembly to a new integration of information, communication, expression, association, and assembly, enabled by [information and communication technologies], that are sometimes referred to as “online communities.”⁶⁶

Furthermore, the combination of these new “communities” with offline activism and political ideas has sparked a form of “cyberactivism,” with a greater capacity for organization and a larger reach than traditional offline social movements.⁶⁷

Egyptian activists during the Arab Spring provide a striking, successful example of cyberactivism. Facebook became a tremendous platform for protestor mobilization. In June 2010, Wael Ghonim, a well-known activist, created a Facebook group called *We are All Khaled Said* to memorialize a young Egyptian blogger who was allegedly beaten to death after reporting on police corruption.⁶⁸ By sharing pictures of the beaten man, the webpage first became a “portal for collective commiseration,” and quickly turned into a “logistical tool and . . . a very strong source of community.”⁶⁹ In the period leading up to the main protest day—January

65. Hillary Clinton, Sec’y of State, Internet Rights and Wrongs: Choices and Challenges in a Networked World (Feb. 15, 2011), <http://www.state.gov/secretary/20092013clinton/rm/2011/02/156619.htm>.

66. Charley Lewis, *The Right of Assembly and Freedom of Association in the Information Age*, in HUMAN RIGHTS IN THE GLOBAL INFORMATION SOCIETY 151, 159 (Rikke Frank Jørgensen ed., 2006).

67. See *id.* at 160; see also Tim Eaton, *Internet Activism and the Egyptian Uprisings: Transforming Online Dissent into the Offline World*, WESTMINSTER PAPERS COMM. & CULTURE, April 2013, at 3, 7 (“[A] Facebook . . . user’s created content is disseminated to his/her ‘friends’ or ‘followers’ who can then choose to comment on it or forward it, at which point the information is then transmitted to their networks. This permits the creation of networks of trust . . .” (footnote omitted)).

68. See Kamal Sedra, *The Role of Social Media & Networking in Post-Conflict Settings: Lessons-Learned From Egypt* 3 (paper presented at the World Bank/Transitional Demobilization & Reintegration Program Afr. Dev. Bank Conference, Tunis, Tunis., June 5–6, 2013), <http://www.tdrp.net/PDFs/Social%20Media%20&%20Arab%20Spring%20-%20Egypt.pdf>.

69. See HOWARD & HUSSAIN, *supra* note 49, at 21.

25, 2011—the group had amassed 400,000 members and provided a forum for circulating calls for protests and instructions to demonstrators.⁷⁰ Rather than causing the protests, Facebook and other online platforms served as digital headquarters during the movement, providing a critical space for logistical planning. In this sense, “activists were able to organize *because* they had been taking part in identifying and discussing shared grievances and nurturing tactics for political action.”⁷¹

Instead of encouraging civilian activism and political discourse, the Egyptian government’s response was first to block Facebook and other social networking sites, and later to orchestrate a full-scale disruption of Internet connectivity.⁷² With respect to freedom of assembly and association, this created an organizational headache for protestors, but failed to actually prevent Egyptians from demonstrating. In fact, protestors quickly adapted, planning their actions ahead of time and scheduling future events to compensate for their lack of real-time connectivity.⁷³ Furthermore, the Internet blackout prompted many Egyptians to take to the streets and locate their friends and family, rather than following the protests from behind their computer screens.⁷⁴

While demonstrators proved resilient when faced with a loss of Internet connectivity, the Egyptian government circumscribed its citizens’ right to freedom of assembly and association by shutting down the Internet. The Special Rapporteur expressed particular concern with the emerging trend of “just-in-time” blocking, used “to prevent users from accessing or disseminating information at key political moments.”⁷⁵ In this sense, Internet users are barred from mobilizing online and exchanging information at times when their association and expression have the most influence. In Mubarak’s case, it was an attempt to quiet the protests and fragment the civilian movement—far from the specific circumstances that could justify a State curtailing freedom of association and the right to peaceful assembly.⁷⁶

70. See Shahin, *supra* note 17, at 83. Today, the page has over four million “likes.” See كنا خالد سعيد [We Are All Khaled Said], FACEBOOK, <https://www.facebook.com/ElShaheed> (last visited Nov. 9, 2014).

71. HOWARD & HUSSAIN, *supra* note 49, at 97.

72. See, e.g., Anne Alexander, *Internet Role in Egypt’s Protests*, BBC (Feb. 9, 2011), <http://www.bbc.com/news/world-middle-east-12400319>.

73. See Shahin, *supra* note 17, at 88.

74. See HOWARD & HUSSAIN, *supra* note 49, at 22.

75. La Rue, *May 2011 Report*, *supra* note 12, ¶ 30.

76. See ICCPR, *supra* note 22, arts. 21–22.

III. INSIDERS AND OUTSIDERS: EQUALITY IMPACTS OF THE PROLIFERATION OF THE INTERNET

While the Internet and social networks enable self-empowerment through expression and shared information, they also present barriers with respect to access to connectivity and the tools to engage in the online community. Indeed, the “digital divide refers to the gap between people with effective access to digital and information technologies . . . and those with very limited or no access at all.”⁷⁷ Digital divides exist not only between developed and developing States, but also “along wealth, gender, geographical and social lines within States.”⁷⁸

Because the Internet is such a powerful rights-enabling tool, access or the lack thereof can both diminish and exacerbate inequalities within a particular society. The ability to use online tools requires not only an Internet connection, but also access to a computer or mobile phone, a familiarity with how to use online tools, a knowledge of what tools exist, and in many cases, a basic level of literacy.⁷⁹ In this sense, new technologies can reinforce existing inequalities by elevating the barriers between social groups.

On the one hand, the use of social media in Egypt during the Arab Spring presents an example of social divisions—Internet users were a comparatively small portion of the population, and overwhelmingly young and technologically-savvy. On the other hand, however, it also served as a uniting force: online tools proved to be an equalizer between men and women, and the movement that began on the Internet eventually moved to the streets, where it welcomed members from all levels of society. This Note will first consider the demographics of the Egyptian population which utilized the Internet during the revolution. It will then analyze the role of the Internet as a tool promoting equality between Egyptian men and women, and identify the discriminatory consequences of the Internet shutdown on women. Finally, this Note will discuss HarassMap as a specific example of how online tools were used to empower Egyptian women.

77. La Rue, *May 2011 Report*, *supra* note 12, ¶ 61.

78. *Id.*

79. See, e.g., LAND ET AL., *supra* note 15, at 25–26; Jamie F. Metzl, *Information Technology and Human Rights*, 18 HUM. RTS. Q. 705, 717 (1996).

A. Social Divisions: Internet User Demographics

In the decade leading up to the Arab Spring protests, technology spread rapidly in the Arab world.⁸⁰ Because of this, a solid faction of Egyptian society was technologically literate, actively using digital media and social networks long before the January 2011 movement. As one analyst pointed out, “[d]igital media became a proximate cause of the political revolution precisely *because* a significant community of users was already comfortable using digital media before the crisis began.”⁸¹ Nonetheless, this trend was not uniform across geographical and generational lines. Rather, Internet users tended to be more prevalent in large cities,⁸² among the middle-class,⁸³ and were generally concentrated among a younger demographic.⁸⁴

To illustrate, Internet users in Egypt consisted of 31.4% and 39.8% of the population in 2010 and 2011, respectively.⁸⁵ But within the “Internet-savvy” population, some 70% were under the age of thirty-four.⁸⁶ While a significant segment of the population was disconnected from the online community, the technologically literate youth demographic proved to be a driving force behind the Egyptian Arab Spring movement. The correlation is not surprising: “the people [with Internet access]—urban dwellers, educated elites, and the young—are precisely the population with the capacity to enable regime change.”⁸⁷ In other words, they were those with the ability to articulate their grievances and demands, mobilize support, and organize dissent.

Although the Egyptian youth organized the Arab Spring revolution, they welcomed all other groups seeking to join the movement, thereby diminishing the potential discriminatory effect caused by the digital divide. Indeed, while social media helped mobilize thousands of protestors on January 25, they “were immediately joined by hundreds of thousands of angry Egyptians, who spontaneously embraced the young organizers and

80. See HOWARD & HUSSAIN, *supra* note 49, at 27.

81. *Id.*

82. See *id.*

83. See, e.g., *id.* at 22 (“The people most affected [by the disruption in Internet service] were middle-class Egyptians, who were cut off from internet service at home.”).

84. See Mohamed Ben Moussa, *From Arab Street to Social Movements: Re-Theorizing Collective Action and the Role of Social Media in the Arab Spring*, WESTMINSTER PAPERS COMM. & CULTURE, April 2013, at 47, 56.

85. See *Internet Users (Per 100 People)*, WORLD BANK, <http://data.worldbank.org/indicator/IT.NET.USER.P2> (last visited Nov. 11, 2014).

86. See Howard et al., *supra* note 18, at 6 (analyzing data compiled in 2011).

87. HOWARD & HUSSAIN, *supra* note 49, at 86–87.

their calls for economic and social justice, freedom, and dignity.”⁸⁸ The uniting platform that the protesters embraced was inclusive enough to bridge the gap between those with Internet access and those without. The diversity of social groups represented in Tahrir Square is particularly striking when considering the young smartphone-wielding generation demonstrating alongside the group of middle-aged “improvised artists,” observed by one anthropologist as hailing from the poorest neighborhoods, unfamiliar with the Internet, and lacking affiliation to any particular activist movement.⁸⁹

B. Equalizing Forces and Discriminatory Consequences

Among the Egyptian population with access to the Internet, online tools diminished gender barriers and empowered women to take an active role in the Arab Spring protests. Although the ICCPR requires States to protect rights equally with respect to both men and women,⁹⁰ Egypt’s conservative society has a history of gendered divisions, including prevalent violence against women and the overwhelming exclusion of women from politics.⁹¹ Nonetheless, even before the January 2011 movement, the Internet became a forum where gender dynamics began to liberalize.

For example, one scholar articulated several ways in which digital media has helped empower women in conservative Muslim societies:

First, digital media are allowing citizens to learn about the status of women and gender relations in other countries. Second, they also allow both men and women to debate specific gender issues relevant in their own cultures. Third, the arrival of digital media in many Muslim communities and households has become an occasion for renegotiating and restructuring gender relationships. Finally, the internet supports women-only online communities, which have become sites for political conversation away from both patriarchal leaders and the public gaze of journalists.⁹²

88. Shahin, *supra* note 17, at 84.

89. See Paola Abenante, *Tahrir as Heterotopia: Spaces and Aesthetics of the Egyptian Revolution*, in ARAB SPRING: UPRISINGS, POWERS, INTERVENTIONS 21, 26 (Kjetil Fosshagen ed., 2014).

90. See ICCPR, *supra* note 22, art. 3 (“The State Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”).

91. See Isobel Coleman, *Women and the Arab Revolts*, BROWN J. WORLD AFF., Fall/Winter 2011, at 215, 219. See generally Hania Sholkamy, *Women Are Also Part of This Revolution*, in ARAB SPRING IN EGYPT: REVOLUTION AND BEYOND, *supra* note 8, at 153.

92. HOWARD & HUSSAIN, *supra* note 49, at 62–63 (citation omitted).

In Egypt, women took the trend a step further by actively engaging with the greater political discourse through blogs and forums, and by building up a widespread presence on social networks.

Data from 2011 indicate that 36% of Egypt's Facebook population was female, while 33% of Egyptians active on Twitter during the protests were women.⁹³ While these numbers admittedly translate to a ratio of about two men for every woman using social media, they still represent a significant increase in representation when compared to statistics reflecting female representation in traditional media. In general, women are underrepresented: "[w]omen constitute less than a quarter (24 percent) of the people heard or read about in print, radio and television news across the world."⁹⁴ Furthermore, a 2012 study analyzing one hundred Arab media outlets revealed they were overwhelmingly "silent about women."⁹⁵ In this sense, online platforms emerged as considerably more accessible means for Egyptian women to contribute their voices to the traditionally male-dominated social and political commentary.

In the time surrounding the January 2011 uprisings, women actively participated in the protests, both online and in person. Free from the constraints of tradition and conservatism that existed in the offline world, "[b]logs, news organization websites, Twitter feeds, and political listservs [were] where many women debate[d] on equal footing with men, where policy alternatives [were] discussed, and where regime secrets [were] exposed."⁹⁶ Indeed, several women emerged as prominent bloggers and online activists during the Egyptian Arab Spring, and succeeded in mobilizing and inspiring thousands of their fellow citizens. Twenty-five year old Asmaa Mahfouz, for example, was a founding member of the April 6 Movement, the first Egyptian online protest movement. Mahfouz posted a video of herself declaring her intent to take to the streets and protest on January 25,⁹⁷ and in doing so, inspired others—both female and

93. *See id.* at 48.

94. U.N. EDUC., SCI. & CULTURAL ORG. [UNESCO], WORLD TRENDS IN FREEDOM OF EXPRESSION AND MEDIA DEVELOPMENT 61 (2014), <http://unesdoc.unesco.org/images/0022/002270/227025e.pdf>.

95. *Id.* (citing the *Arab Women in Arab News* study, and noting that out of one hundred media outlets analyzed, a mere six accounted for 63% of all female references, with the remaining totaling less than 1% of female references).

96. HOWARD & HUSSAIN, *supra* note 49, at 26.

97. *See Asmaa Mahfouz & the YouTube Video That Helped Spark the Egyptian Uprising*, DEMOCRACY NOW! (Feb. 8, 2011), http://www.democracynow.org/2011/2/8/asmaa_mahfouz_the_youtube_video_that.

male—to post videos and pictures of themselves.⁹⁸ Mahfouz’s video was credited as one of the viral events that ultimately sparked the January 25 day of protests.⁹⁹

But although online tools helped Egyptian women reclaim fundamental human rights that had been severely restricted offline, they also made women especially vulnerable to discriminatory effects of the Internet shutdown. The principle of nondiscrimination is enshrined in the ICCPR, which maintains that “all persons are equal before the law” and requires States to “guarantee to all persons equal and effective protection against discrimination.”¹⁰⁰ The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by Egypt in 1981,¹⁰¹ defines discrimination against women as:

[A]ny distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.¹⁰²

Prohibited discrimination includes acts or policies that are either directly or indirectly discriminatory against women.¹⁰³ Indirect discrimination manifests through policies that are facially gender neutral, but which have a discriminatory effect on women.¹⁰⁴

Although the Mubarak regime’s Internet shutdown was an act designed to sever the connectivity of all Internet users, irrespective of sex, it had a particularly adverse effect on women, who relied on the Internet as a means to exercise rights that were circumscribed in offline Egyptian

98. See Mona El-Naggar, *Equal Rights Takes to the Barricades*, N.Y. TIMES (Feb. 1, 2011), http://www.nytimes.com/2011/02/02/world/middleeast/02iht-letter02.html?_r=0.

99. See *id.*

100. ICCPR, *supra* note 22, art. 26.

101. *Convention on the Elimination of All Forms of Discrimination Against Women*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-8&chapter=4&lang=en (last visited Nov. 11, 2014).

102. *Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW]* art. 1, Dec. 18, 1979, 1249 U.N.T.S. 13.

103. Comm. on the Elimination of Discrimination Against Women, General Recommendation No. 28, ¶ 9, U.N. Doc. CEDAW/C/2010/47/GC.2 (Oct. 19, 2010).

104. See, e.g., Comm. on Econ., Soc. & Cultural Rights, General Comment No. 16, ¶ 13, U.N. Doc. E/C.12/2005/3 (May 13, 2005) (“This can occur, for example, when women are disadvantaged compared to men with respect to the enjoyment of a particular opportunity or benefit due to pre-existing inequalities.”).

society. Rampant inequality in “real life” was countered by the “gender equalizing” character of social media—men and women used social media in the same ways and agreed that social media was a tool for women’s empowerment.¹⁰⁵ By removing access to this crucial forum enabling women’s expression and autonomy, the Internet blackout further exacerbated impermissible gender divisions, constituting a discriminatory action prescribed by the ICCPR and CEDAW.

C. Case Study: Women’s Rights and HarassMap

One particularly inspiring element for many Egyptians during the Arab Spring protests was the inclusiveness of the demonstrations. Citizens were united by a communal desire for change, rather than by their affiliation with a particular group or social class. Women stood shoulder to shoulder with men, articulating demands, documenting events as they unfolded, and lending aid to the injured.¹⁰⁶ Sholkamy, an Egyptian anthropologist, described the unifying power of the Arab Spring:

During the eighteen days of protest, a condition of near-communitas prevailed on the streets and squares where people had congregated. Sharing sleeping space and food, men and women bracketed their old gender norms, as evinced, for example, by the total absence of sexual harassment and the acceptance of women as equals in the face of the autocracy that was about to be ruptured and decimated.¹⁰⁷

Sholkamy’s observation is striking—almost unbelievable—when compared to the prevalence of gender-based violence and harassment both before and after the January 2011 movement.

A 2010 study conducted by the Egyptian Centre for Women’s Rights illustrated the pre-revolution context: “Sexual harassment has become an overwhelming and very real problem experienced by all women in Egyptian society, often on a daily basis, in public places such as markets, public transportation and the streets, as well as in private places such as educational institutions, sports clubs, and the workplace.”¹⁰⁸ The same study announced that 83% of Egyptian women and 98% of foreign women

105. See DUBAI SCH. OF GOV’T, ARAB SOCIAL MEDIA REPORT: THE ROLE OF SOCIAL MEDIA IN ARAB WOMEN’S EMPOWERMENT 11 (2011), <http://www.arabsocialmediareport.com/UserManagement/PDF/ASMR%20Report%203.pdf>.

106. See Sholkamy, *supra* note 91, at 154.

107. *Id.* at 155.

108. RASHA MOHAMMAD HASSAN, EGYPTIAN CTR. FOR WOMEN’S RIGHTS, CLOUDS IN EGYPT’S SKY: SEXUAL HARASSMENT: FROM VERBAL ASSAULT TO RAPE 13 (2010).

in Egypt had experienced sexual harassment.¹⁰⁹ Fast forward to 2013, when the situation was described as an “epidemic of sexual violence” by Human Rights Watch.¹¹⁰ A twenty-two year old Egyptian woman, who disguised herself as a teenage boy to avoid sexual harassment, described the extent of abuse in post-revolution Egypt:

The only thing that the attackers are interested in is that the target is a woman . . . It does not matter if she is young or old, or what her background might be—if you are female you are viewed as someone who is worthy of punishment—these violations transcend politics. They represent innate prejudice and hatred. The real problem is that they are getting worse, and more frequent.¹¹¹

Spurred by necessity, Egypt’s history of sexual harassment gave rise to innovation in the age of widespread Internet usage. HarassMap is a volunteer initiative, launched by four women in 2010, that uses crowdsourcing technology, community mobilization, and communications campaigns to “end[] the social acceptability of sexual assault and harassment in Egypt.”¹¹² The project uses Frontline SMS and Ushahidi software to collect and map anonymous reports of sexual harassment.¹¹³ Victims and witnesses can submit information via SMS, the HarassMap website, or social media.¹¹⁴ Whereas many Egyptian women were marginalized into silence after experiencing sexual harassment,¹¹⁵ this online tool gives women a voice, allowing them to effectively contribute and receive information, starting a community dialogue about the problem. Furthermore, the system is designed to automatically send a response to each report, “telling victims how to access free services from NGOs:

109. *Id.* at 16.

110. *Egypt: Epidemic of Sexual Violence*, HUMAN RIGHTS WATCH (July 2, 2013), <http://www.hrw.org/news/2013/07/03/egypt-epidemic-sexual-violence>.

111. Nabila Ramdani, *Sexual Violence in Egypt: ‘The Target is a Woman’*, GUARDIAN (July 9, 2013, 2:00 AM), <http://www.theguardian.com/world/2013/jul/09/sexual-violence-egypt-target-woman>.

112. *Who We Are*, HARASSMAP, <http://harassmap.org/en/who-we-are/> (last visited Dec. 19, 2014).

113. *How and Why We Began*, HARASSMAP, <http://harassmap.org/en/who-we-are/how-and-why-we-began/> (last visited Dec. 19, 2014).

114. Hamza Shaban, *Crowdsourcing Sexual-Assault Prevention*, AM. PROSPECT (Feb. 12, 2013), <http://prospect.org/article/crowdsourcing-sexual-assault-prevention>.

115. “97.6% of Egyptian women [who were victims or witnesses of sexual harassment] . . . did not seek police assistance because they didn’t think it was important or because no one would help them.” Furthermore, “[w]omen also confirmed that they did not report harassment because they feared an impact on their reputation, and were afraid of the reactions of people around them were they to admit they were harassed.” HASSAN, *supra* note 108, at 17.

psychological counseling, free lawyers, how to make a police report, [and] self-defense classes.”¹¹⁶

The Egyptian government’s Internet shutdown isolated women from this information lifeline. Not only were they unable to report incidents of sexual harassment, they also lacked the means to track where violence was likely to occur. This enabled harassment and violence against women and hindered the ability of victims to call for help on a mobile phone. In this sense, the government deprived Egyptian women of a key form of expression and information sharing, stripping them of the armor that helped protect a particularly vulnerable demographic.

This discriminatory effect of the Internet blackout was not undermined by the comradery between male and female protesters during the demonstrations. Even though the January 2011 protests marked an uncharacteristically subdued period of abuse against Egyptian women, the harassment was not completely eradicated. In fact, a persistent theme in the narrative of Egyptian inequality is sexual harassment and gendered violence inflicted by police, the military, and other official State authorities.¹¹⁷ This was no exception during the unifying demonstrations,¹¹⁸ highlighting the sustained need for access to HarassMap, even in times of perceived safety. Indeed, HarassMap tallied only eight cases of sexual harassment between January 25, 2011 and February 11, 2011, a piece of data taken by some to lend support to the theory that women were safer during this time.¹¹⁹ This application of the data, however, fails to take into account that Egyptians lacked Internet access for at least five days during that period, coupled with disconnected or extremely unreliable mobile service, severely inhibiting their ability to even contact HarassMap.

116. *Id.*

117. See, e.g., HASSAN, *supra* note 108, at 16–17; Emily Dyer, *Egypt’s Shame: Why Violence Against Women Has Soared After Mubarak*, FOREIGN AFF. (Jan. 27, 2014), <http://www.foreignaffairs.com/articles/140686/emily-dyer/egypts-shame>; Mona Eltahawy, Op-Ed., *Egypt Has a Sexual Violence Problem*, N.Y. TIMES (June 20, 2014), <http://www.nytimes.com/2014/06/21/opinion/mona-elatahawy-egypts-sexual-violence.html>.

118. See Paul Amar, *Turning the Gendered Politics of the Security State Inside Out? Charging the Police With Sexual Harassment in Egypt*, 13 INT’L FEMINIST J. POL. 299, 300 (2011).

119. As a comparison, eighty-two cases were reported between January 7, 2011 and January 25, 2011. Serena Hollmeyer Taylor et al., “*When She Stands Among Men*”: *Sexual Harassment of Women at Political Protests in Cairo, January 2011 – August 2013*, AL NAKHLAH: ONLINE J. ON SOUTHWEST ASIA & ISLAMIC CIVILIZATION (June 10, 2014), http://alnakhlah.org/2014/06/10/when-she-stands-among-men-sexual-harassment-of-women-at-political-protests-in-cairo-january-2011-august-2013/#_ftnref37.

IV. CORPORATE RESPONSIBILITY IN THE AGE OF NEW MEDIA

The proliferation of online tools and cyberactivism during the Arab Spring highlights a new reliance on intermediaries, or “private corporations which provide services and platforms that facilitate online communication or transactions between third parties, including giving access to, hosting, transmitting, and indexing content.”¹²⁰ Intermediaries include Internet service providers and companies offering online tools such as Facebook, Twitter, blogging platforms, forums, and search engines.¹²¹ Given the way that Egyptians harnessed the Internet to spread democratic ideals, connect with likeminded groups, and mobilize protest support, it is clear that intermediaries hold a great deal of responsibility in determining where their services will be offered, to whom, under what conditions, and when their services will be restricted or revoked.

In response to the growing role of intermediaries, the Special Rapporteur on the Promotion of the Right to Freedom of Opinion and Expression noted that “the private sector has gained unprecedented influence over individuals’ right to freedom of expression and access to information.”¹²² Indeed, the intersection of private companies offering Internet services with fundamental human rights such as freedom of expression, freedom of the press and media, freedom of association, the right to peaceful assembly, and others, prompts a series of questions: what are the responsibilities of companies providing Internet services? How should private companies respond when pressured by States to modify their services? What is the role of the international community in monitoring and responding to human rights breaches facilitated by private companies? This Note will analyze each question through the lens of the Egyptian Arab Spring revolution.

A. Sources of Corporate Responsibility

On the one hand, innovative online and mobile tools developed by private companies have greatly facilitated the expansion of human rights by providing new means for personal expression and empowerment. On the other hand, however, many companies’ business strategies do not prioritize the protection of human rights. Rather, they are motivated by profit and seek to fulfill the minimum standard required to comply with the law. Nonetheless, private companies are not free to be detached, irresponsible

120. La Rue, *May 2011 Report*, *supra* note 12, ¶ 38.

121. *See id.*

122. *Id.* ¶ 44.

outsiders when it comes to human rights—important international standards also apply to non-state actors.¹²³

Although the traditional international human rights framework was designed to reflect the concept of the State as the principal duty-bearer obliged to promote and protect individual rights, a growing trend in international human rights law recognizes that in some cases, non-state actors such as corporations possess affirmative human rights obligations.¹²⁴ The moral foundation for this view can be traced to the UDHR, which states in its preamble that “every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance.”¹²⁵ Companies, as fundamental elements of society, fall within the broad reach of the UDHR, and a number of scholars, human rights instruments, NGOs, and UN officials have construed the UDHR as applying to corporations.¹²⁶

Apart from corporations’ social and moral obligations, a codified list of universal human rights duties tailored to non-state actors has yet to be created. This does not mean, however, that such obligations do not exist and are not binding on businesses. Rather, according to Andrew Clapham, a scholar at the forefront of the debate on human rights and non-state actors, existing and newly developed international legal frameworks provide potent evidence that corporations do indeed possess normative duties to protect human rights.¹²⁷ The legal procedures through which to hold corporations accountable for violations of these duties are less well-developed, but “the absence of an international jurisdiction to try corporations does not mean that transnational corporations cannot break international law.”¹²⁸ Moreover, a number of recent developments have signaled that international human rights law as applied to corporations is growing teeth.¹²⁹

123. See generally ANDREW CLAPHAM, HUMAN RIGHTS OBLIGATIONS OF NON-STATE ACTORS 195–270 (2006) (describing the various human rights obligations of corporations).

124. See *id.* at 1.

125. UDHR, *supra* note 20, pmbl.

126. See CLAPHAM, *supra* note 123, at 227–28.

127. See *id.* at 195–270; Andrew Clapham, *Human Rights Obligations for Non-State Actors: Where Are We Now?*, in *DOING PEACE THE RIGHT WAY: ESSAYS IN INTERNATIONAL LAW AND RELATIONS IN HONOUR OF LOUISE ARBOUR* (Fannie Lafontaine & François Larocque eds., forthcoming 2015) (draft at 13–19), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2641390.

128. CLAPHAM, *supra* note 123, at 267.

129. See Clapham, *supra* note 127, at 13–19 (detailing several examples of binding human rights principles pertaining to corporations in the fields of international criminal law, international investment

Defining the contours of the human rights obligations of companies is outside of the scope of this Note. For now, it is sufficient to recognize that a growing school of thought—supported by slowly emerging international practice—understands corporations to have an obligation to actively respect, protect, and promote human rights both in the workplace and in the wider community.¹³⁰ This entails not only ensuring that a corporation does not commit human rights abuses itself, but also that it contributes to rights-enhancing public policies and avoids complicity in the human rights of other actors, such as State governments.¹³¹ While this framework continues to gain traction, another more diluted interpretation of companies' human rights duties identifies their baseline obligation as a responsibility to respect human rights.¹³² This “means that business enterprises should act with due diligence to avoid infringing on the rights of others and to address adverse impacts with which they are involved.”¹³³ Thus, regardless of where the line is drawn, at a minimum there exists a corporate obligation to observe and respect rights, directing companies to be continually mindful of how corporate policies can interact and conflict with fundamental human rights.

The Global Net Initiative (GNI), a multistakeholder organization bringing together corporations, NGOs, investors, and academics, has focused its attention on information and communications technology companies and their role in the protection and advancement of privacy and freedom of expression rights. Although the GNI is dependent on voluntary participation and companies' internal implementation of its principles,¹³⁴ it has been influential in clarifying a global corporate responsibility standard in the Internet and technology fields. The GNI's Principles on Freedom of Expression and Privacy (Principles) outline the suggested human rights

law, and contract law in the context of the International Code of Conduct for Private Security Service Providers).

130. See, e.g., CLAPHAM, *supra* note 123, at 218–25 (outlining the respect, protect, and promote framework built into the 2000 United Nations Global Compact).

131. See *id.* at 218.

132. John Ruggie (Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises), *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework*, ¶ 6, U.N. Doc. A/HRC/17/31 (Mar. 21, 2011).

133. *Id.*

134. See generally *Governance, Accounting and Learning Framework*, GLOBAL NETWORK INITIATIVE [GNI], https://globalnetworkinitiative.org/sites/default/files/GNI_-_Governance_Accountability_Learning.pdf (last visited Dec. 12, 2014); *Implementation Guidelines for the Principles of Freedom of Expression and Privacy*, GNI, https://globalnetworkinitiative.org/sites/default/files/GNI_-_Implementation_Guidelines_1_.pdf (last visited Dec. 12, 2014) [hereinafter *Implementation Guidelines*].

commitments of member corporations,¹³⁵ and can be viewed by nonmembers as a template of best-practices.

Regarding freedom of expression, the Principles emphasize the need for companies to “avoid or minimize the impact of government restrictions on freedom of expression, including restrictions on . . . the opportunities for users to create and communicate ideas and information.”¹³⁶ Actions companies can take include requesting clarification from the government explaining the legal basis for restriction, interpreting the restriction so as to protect freedom of expression, and in some cases using domestic or international tribunals to challenge the government’s authority.¹³⁷ The GNI also promotes open communication between corporations and governments to encourage governments to understand, respect, and implement policies that uphold freedom of expression.¹³⁸ In this way, information and communication technology companies are encouraged to actively engage with their local and international communities, while continuing to respect, protect, and promote human rights in the absence of a legitimate legal basis to implement an official demand to violate freedom of expression.

B. Responding to a Government Demand

Egypt’s Internet shutdown on January 28, 2011 was ordered by government authorities, but implemented by telecommunications companies. Vodafone, a London-based Internet and cellphone service provider, is one of the largest such companies operating in Egypt, with twenty-eight million subscribers in 2011.¹³⁹ Soon after the service blackout, Vodafone issued a statement, declaring that “[a]ll mobile operators in Egypt have been instructed to suspend services in selected areas . . . Under Egyptian legislation, the authorities have the right to issue such an order and we are obliged to comply with it.”¹⁴⁰ Vodafone and the two other major service providers, France Telecom and Etisalat, complied with the government’s order,¹⁴¹ resulting in a “90 percent drop in data traffic to and

135. See *Principles of Freedom of Expression and Privacy*, GNI, https://www.globalnetworkinitiative.org/sites/default/files/GNI_-_Principles_1_.pdf (last visited Dec. 12, 2014).

136. *Id.* at 2.

137. See *Implementation Guidelines*, *supra* note 134, at 5.

138. See *id.* at 8.

139. See Matt Richtel, *Egypt Cuts off Most Internet and Cell Service*, N.Y. TIMES (Jan. 28, 2011), http://www.nytimes.com/2011/01/29/technology/internet/29cutoff.html?_r=0.

140. Tim Bradshaw, *Condemnation Over Egypt’s Internet Shutdown*, FIN. TIMES (Jan. 28, 2011, 1:06 PM), <http://www.ft.com/cms/s/0/08dbe398-2abb-11e0-a2f3-00144feab49a.html#axzz3MO1I3d2n>.

141. See Juliette Garside, *Vodafone Under Fire for Bowing to Egyptian Pressure*, GUARDIAN (July 26, 2011, 4:14 PM), <http://www.theguardian.com/business/2011/jul/26/vodafone-access-egypt-shutdown>.

from Egypt.”¹⁴² The disruption in service lasted about five days¹⁴³ and successfully silenced the majority of Egyptians’ online communication and expression.

In one of the few statements issued by the company, a Vodafone chairman blamed its complicity on the operating licenses it holds in various countries: “We have no discretion to negotiate variations. In every case . . . network operators are subject to similar legal provisions to those used in Egypt.”¹⁴⁴ Regrettably, Vodafone did not provide public access to information detailing the internal procedures it carried out upon receiving the Egyptian government’s Internet shutdown request. Nonetheless, some observations can be made about the actions companies should take when facing similar human rights challenges.

On one end of the spectrum, corporations facing government pressures to violate human rights can refuse to comply with the order and risk their license to operate in a country such as Egypt—effectively yielding their commercial interests to the interest of protecting human rights. This is an admittedly bold corporate decision, but an emerging trend in corporate responsibility indicates that businesses must avoid complicity in human rights abuses committed by others, while actively taking steps to respect, protect, and promote human rights.¹⁴⁵ The concept of corporate complicity has gained traction through UN best practices guidelines, corporate training manuals, and NGO reports.¹⁴⁶ Corporate social responsibility principles developed by Amnesty International, for example, recommend “that companies should establish procedures to ensure that all operations are examined for their potential impact on human rights and safeguards to ensure that company staff are never complicit in human rights abuses.”¹⁴⁷ In some cases, the only option to avoid complicity in State-sponsored human rights abuses may be to directly defy the order.

Another important strategy for companies is to anticipate and preempt human rights issues that could arise by developing specific procedures to address problematic government demands. This should include a process for determining the source and legal basis of the government request, as

142. Richtel, *supra* note 139.

143. See Garside, *supra* note 141.

144. *Id.* (omission in original).

145. See *supra* Part IV.A; see generally Andrew Clapham & Scott Jerbi, *Categories of Corporate Complicity in Human Rights Abuses*, 24 HASTINGS INT’L & COMP. L. REV. 339 (2000) (describing three impermissible types of corporate complicity: direct, beneficial, and silent complicity).

146. See CLAPHAM, *supra* note 123, at 220–25.

147. *Id.* at 222 (citing AMNESTY INT’L, HUMAN RIGHTS PRINCIPLES FOR COMPANIES (1998), <https://www.amnesty.org/download/Documents/148000/act700011998en.pdf>).

well as an outline of red flags which trigger “a pre-defined process to follow, with fast-acting escalation to the most senior levels of the company if there is a very high risk of large-scale human rights abuse.”¹⁴⁸

Along the same lines, a related preventative tactic is to develop a crisis protocol together with the government upon entering a foreign market.¹⁴⁹ This communicates to government authorities the company’s commitment to human rights and fosters a dialogue under more neutral conditions than those surrounding events like the Arab Spring. Taking such steps is an important component of the commitment to *promote* human rights, which encourages corporations to contribute to the advancement of human rights at the policy level and to use their influence to put pressure on governments with respect to human rights issues.

Additionally, there are many informal ways that a company can resist abusive governmental demands, and indeed, there is evidence that in implementing the shutdown, some telecommunications engineers worked slowly to intentionally delay the blackout.¹⁵⁰ Finally, companies should take action to remedy a human rights abuse after it has occurred. Vodafone and two other major Internet service providers launched community outreach programs in Egypt following the Arab Spring.¹⁵¹ This indicates, at the very least, some official recognition of the negative consequences of the companies’ actions, which is an important first step toward a commitment to behave more responsibly to respect, protect, and promote human rights in the future.

C. The Role of the International Community

Given that individual corporations may possess fewer means to protect human rights than traditional State duty-bearers, an effective business and human rights strategy should involve collaboration among companies, stakeholders, industries, and geographic regions. A collaborative approach serves not only to solidify universal norms on business and human rights, but also allows other stakeholders to provide assistance when human rights

148. CHRIS TUPPEN, GNI, OPENING THE LINES: A CALL FOR TRANSPARENCY FROM GOVERNMENTS AND TELECOMMUNICATION COMPANIES 19 (2013), http://globalnetworkinitiative.org/sites/default/files/GNI_OpeningtheLines.pdf.

149. See, e.g., Garside, *supra* note 141 (“These should ensure users can make emergency calls at all times, that calls and emails are not hacked, that networks are shut down for minutes or hours rather than days and that carriers cannot be used to disseminate propaganda.”).

150. See HOWARD & HUSSAIN, *supra* note 49, at 22.

151. “Vodafone announced a \$3 million 5-year commitment to eradicate illiteracy. Mobinil announced the launch of its ‘hiring 200,000 hands’ initiative. Etisalat has announced a clean water initiative.” Jeffrey Avina, *The Evolution of Corporate Social Responsibility (CSR) in the Arab Spring*, 67 MIDDLE E. J. 77, 82 (2013).

abuses occur. The GNI advocates such a strategy, encouraging the sharing of tools, resources, and information between member-companies.¹⁵² Moreover, the GNI seeks to promote a “global dialogue” about the Principles, to engage companies, industry members, civil society groups, human rights organizations, students, governments, and international institutions.¹⁵³

When severe human rights abuses are threatened or occur, the obligation of the international community to intervene is not always clearly defined. However, outside actors’ responses to the Arab Spring illustrate both good and bad practices with respect to measures that can be taken to respect and promote freedom of expression. First, some companies stepped up to assist activists in circumventing the Internet blackout. This included providing access to dial-up Internet networks outside Egypt,¹⁵⁴ and designing innovative means to allow Egyptians to continue to use Internet tools in the absence of an Internet connection.¹⁵⁵ Google and Twitter collaborated to create Speak2Tweet, a service that allowed Egyptians to tweet by calling a designated number and leaving a voicemail.¹⁵⁶ The phone messages were converted into text and published to Twitter with the “#egypt” hashtag.¹⁵⁷ Relatedly, a U.S. software developer released free Egypt-specific versions of Android apps to help protestors maintain anonymity.¹⁵⁸ RedPhone and TextSecure provided end-to-end phone and text-message encryption, protecting users’ privacy if their phones were monitored, stolen, or seized.¹⁵⁹ Additionally, Small World News, an organization promoting citizen journalism, contributed to spreading Egyptian voices by translating Arabic messages into English.¹⁶⁰ These actions are positive examples of corporate and NGO efforts to intervene and foster freedom of expression, evidencing a growing recognition that

152. See *Implementation Guidelines*, *supra* note 134, at 9.

153. *Id.* at 8.

154. French Data Network gave free access to its dial-up network to “anyone with an analogue land line that is capable of calling France.” Chloe Albanesius, *Egypt Turns to Sole Provider, Dial-Up for Internet Access*, PC MAG. (Jan. 31, 2011, 1:12 PM), <http://www.pcmag.com/article2/0,2817,2378969,00.asp>.

155. See Charles Arthur, *Google and Twitter Launch Service Enabling Egyptians to Tweet by Phone*, GUARDIAN (Feb. 1, 2011, 3:01 AM), <http://www.theguardian.com/technology/2011/feb/01/google-twitter-egypt>.

156. See *id.*

157. See *id.*; see also HOWARD & HUSSAIN, *supra* note 49, at 32.

158. Kim Zetter, *Researcher Makes Free Phone and Text Encryption Available to Egypt*, WIRED (Feb. 10, 2011, 4:56 PM), <http://www.wired.com/2011/02/redphone-enters-egypt>.

159. See *id.*

160. See Arthur, *supra* note 155; see also ALIVE IN EGYPT: TRANSCRIBING THE VOICES OF EGYPT, <http://alive.in/egypt/> (last visited Dec. 19, 2014).

non-state actors have great capacity to respect, promote, and protect human rights.

Another example of influential outside action is the U.S. government's funding of technology groups that develop tools for Internet users to circumvent government controls.¹⁶¹ While federal agency funding of organizations like The Tor Project and UltraReach preceded the Arab Spring uprisings, North African activists nonetheless utilized the innovative tools and the organizations were supportive in lending their services.¹⁶² In general, the federal grants and contracts focused on tech firms that provided means for avoiding online tracking by the government, or to access government-blocked websites.¹⁶³ By lessening the negative impacts of the Egyptian government's human rights violations, the State Department's active support of human rights supports the idea that freedom of expression is an international concern.

In contrast, some technology companies seemed unaware of the impact that their products and policies had on freedom of expression. As previously discussed, online tools such as Facebook, Twitter, and YouTube were utilized by Egyptian activists to spread democratic ideals, mobilize support, and organize demonstrations¹⁶⁴—uses that critically expanded the scope of the social media sites. Unfortunately, however, some of these companies failed to match the innovation of their users. An illustrative example is the clash between Facebook's user policies and some Egyptian activists' vital attempts to maintain anonymity: "Opposition leaders in countries where political parties are illegal sometimes use pseudonyms to avoid government harassment. But doing so on Facebook is a violation of the company's user agreement, and so the company actually shut down some of the protest-group pages."¹⁶⁵ One way to combat such disconnects between corporations and their consumers is by strengthening the company's commitment to human rights by working with peers and other stakeholders to share best practices and stay abreast of new human rights challenges. Google did so by becoming a member of the GNI in 2008; Facebook, on the other hand, remained a mere "observer" for a year before

161. See Ian Shapira, *U.S. Funding Tech Firms That Help Mideast Dissidents Evade Government Censors*, WASH. POST (Mar. 10, 2011), <http://www.washingtonpost.com/wp-dyn/content/article/2011/03/09/AR2011030905716.html>.

162. In Egypt, the number of daily sessions of Tor, the service offered by The Tor Project, was recorded as 250 in December 2010 and spiked to about 2,500 in February 2011. Similarly, in the time immediately prior to the January 2011 Internet shutdown, UltraReach logged almost eight million page views from Egyptians using its product, UltraSurf. *Id.*

163. See *id.*

164. See *supra* Part II.

165. HOWARD & HUSSAIN, *supra* note 49, at 32.

joining in 2013.¹⁶⁶ Twitter and most major Internet service providers have yet to make such a commitment.

V. CONCLUSION

As part of *The New Yorker* coverage of Egypt's uprising, Malcolm Gladwell expressed his utter apathy with respect to Egyptians' use of social media, insisting that the means that protestors use to communicate their grievances matter far less than what motivates their rebellion in the first place.¹⁶⁷ Gladwell is a vocal skeptic of the role of social media in effectuating meaningful social change, arguing that influential offline activism challenges the status quo and relies on high-risk strategies.¹⁶⁸ In contrast, "Facebook activism succeeds not by motivating people to make a real sacrifice but by motivating them to do the things that people do when they are not motivated enough to make a real sacrifice"—such as "liking" a Facebook page.¹⁶⁹ Furthermore, Gladwell emphasizes that social media movements are organized as flexible networks of individuals with loose ties.¹⁷⁰ Traditional activism, he argues, involves a hierarchical organization with a central leader and participants with deep personal commitments to the cause.¹⁷¹ According to Gladwell, this structural difference highlights social media as a useful tool for sharing information, but falls short of provoking systemic change or enhancing users' skin in the game. In other words, social media "makes it easier for activists to express themselves, and harder for that expression to have any impact."¹⁷²

Gladwell correctly recognizes that the history of protests bringing about social and political change greatly surpasses the comparative youth of the Internet and social media.¹⁷³ To emphasize his point, he reminds his incredulous readers that "in the French Revolution the crowd in the streets spoke to one another with that strange, today largely unknown instrument known as the human voice."¹⁷⁴ The weakness in Gladwell's broader argument, however, stems from his failure to acknowledge that the Internet

166. See *Facebook Joins the Global Network Initiative*, GNI (May 22, 2013, 4:00 AM), <https://globalnetworkinitiative.org/news/facebook-joins-global-network-initiative>.

167. Malcolm Gladwell, *Does Egypt Need Twitter?*, NEW YORKER (Feb. 2, 2011), <http://www.newyorker.com/news/news-desk/does-egypt-need-twitter>.

168. Malcolm Gladwell, *Small Change*, NEW YORKER (Oct. 4, 2010), <http://www.newyorker.com/magazine/2010/10/04/small-change-malcolm-gladwell>.

169. *Id.*

170. *Id.*

171. *Id.*

172. *Id.*

173. See Gladwell, *supra* note 167.

174. *Id.*

is a powerful human rights-enabling tool, affording a virtual voice to those whose “human voices” have been silenced by authoritarian leaders, repressive local laws, harassment, and discrimination.

The revolutions in Egypt are distinguishable from Gladwell’s examples of passive Facebook activism because in Egypt, the democratic and human rights ideals motivating the movements were fundamentally linked to the Internet. As we have seen, social media and the Internet facilitated online expression, critical discussion, citizen journalism, access to outside news sources, reporting on human rights abuses, association with likeminded individuals, and women’s empowerment. Because Egyptian Internet users relied on online tools to reclaim their essential human rights, each formed the deep personal stake in the goals and values of the uprisings identified by Gladwell to be an important characteristic of effective activism. This profound personal connection to the movement also led to high-risk activities by activists both offline and online.

While the Internet provides important means for furthering fundamental human rights, it also presents unique challenges. Former-President Hosni Mubarak’s country-wide communications blackout is a sobering example of the potential to manipulate the Internet to affect large-scale human rights abuses. The scope and duration of the Internet shutdown was the largest that the world had ever seen, and it raises serious concerns about the possibility of similar such events occurring in the future. Since Mubarak’s 2011 action, the Internet has been severed on a national scale in a troubling number of instances, including in Syria,¹⁷⁵ Libya,¹⁷⁶ Sudan,¹⁷⁷ Iraq,¹⁷⁸ and the Democratic Republic of the Congo.¹⁷⁹ Rather than let this become the norm, the international community should identify the countries that are most at risk for an Internet blackout and take measures to prevent that possibility. The strongest way to do so is by strengthening the global commitment to Internet-related human rights, engaging both State

175. *Syrian Internet Back After 19-Hour Blackout*, BBC (May 8, 2013), <http://www.bbc.com/news/world-middle-east-22447247>.

176. Jim Cowie, *What Libya Learned From Egypt*, DYN RESEARCH (Mar. 5, 2011), <http://research.dyn.com/2011/03/what-libya-learned-from-egypt/>.

177. Doug Madory, *Internet Blackout in Sudan*, DYN RESEARCH (Sept. 25, 2013), <http://research.dyn.com/2013/09/internet-blackout-sudan/>.

178. Peter Micek, *International Coalition to Iraq: Stop Shutting Down the Internet*, ACCESS NOW (July 9, 2015, 11:43 AM), <https://www.accessnow.org/international-coalition-to-iraq-stop-shutting-down-the-internet/>.

179. *DRC Halts Internet Access and Cellphone Services Amid Protests*, COMM. TO PROTECT JOURNALISTS (Jan. 22, 2015), <https://cpj.org/2015/01/drc-halts-internet-access-and-cellphone-services-a.php>.

and non-state actors in the quest, and bolstering international accountability so violations do not go undetected and unaddressed.