

**Inter American Press Association
DECLARATION OF PRINCIPLES ON
FREEDOM OF EXPRESSION IN THE DIGITAL ERA**

Preamble

The Declaration of Chapultepec affirms faith in democracy and the exercise of freedom of expression and freedom of the press as the means to attain strong institutions, social development, full civil liberties and respect for the rest of human rights.

Journalism and news media are vital actors for freedom of expression, beyond the platforms on which they operate. They are key players in the search for truth, in enabling a democratic culture, in empowering citizens to exercise their freedoms and to enjoy their right to information, as set forth in the IAPA Letter of Aspirations.

The development of the internet and digital technologies deepens a more open, diverse and plural exercise of freedom of thought, freedom of expression and freedom of the press. They allow the sharing of ideas, opinions and information in a multidirectional, interactive and immediate manner, and for greater access to informational sources.

The digital ecosystem have generated new spaces that empower users to create, disseminate and share information. All this contributes to fulfilling the aspirations of the Universal Declaration of Human Rights so that freedom of expression may be exercised unconstrained by borders, free from threats and violence.

Notwithstanding the positive impact of digital technologies in communication and information, the threats and assaults on freedom of expression and of the press on the part of government and private sector actors have not abated. The abuses and misuses of these technologies have magnified censorship, content blocking, surveillance, harassment, smear campaigns, and other types of government or private sector violence against users, journalists and news media.

In addition to these abuses the digital era brings other challenges that also represent dangers for freedom of expression and of the press. Among them, excessive government regulations, the spread of malicious

disinformation, cyberattacks from various sources, a new environment with players who exert considerable power over the circulation of information and a worrisome digital gap among societies and between countries.

In the face of these challenges, those of us who defend freedom of expression and of the press, fully convinced that these are not concessions from those in power, but rather inalienable rights of the people and that internet access is fundamental principle, are called upon to protect and promote the free flow of information, regardless of the platform used for its dissemination.

Principles

1. Rights linked to freedom of expression and freedom of the press must be equally guaranteed in the digital as well as in the traditional environment.

2. Laws and public policies regarding the internet must be enacted to ensure that the digital space is open, neutral, accessible to everyone, adhering to human rights. When making decisions regarding the internet, the viewpoints of all actors must be considered.

3. Governments must not, through regulations, inhibit statements of public interest in the digital space, nor should they impose enhanced penalties based on the fact that they have been expressed in that space. Likewise, governments must not penalize criticism, information or protests against public officials regarding matters of public interest or against individuals who voluntarily expose themselves to public scrutiny. In cases where civil claims are filed, evidence of real malice must be proven.

4. Any subsequent restriction and sanction that may impact the right to disseminate, share or release information and ideas on the internet must be established by law in accordance to the conditions set forth in the American Convention on Human Rights.

5. Content blocking and filtering through government controls in the digital space constitutes prior restraint according to the provisions of the American Convention on Human Rights.

6. States must guarantee an environment free of violence and threats in the digital space for those who fulfill the function of providing information. Acts of aggression must be investigated promptly and punished appropriately.

7. Authorities must not use digital surveillance mechanisms for the purpose of violating the liberties and privacy of citizens, except in cases where a legitimate goal is being pursued in accordance with the provisions of human rights conventions. Widespread surveillance is unacceptable under any circumstances.

8. Laws must guarantee the right to protect the identity of confidential sources of journalists and must allow the use of encryption or ciphering tools. Laws must also respect the right of individuals to anonymity.

9. The suppression or deindexing of information regarding events of public interest go against the right of citizens to be informed and to preserve the collective memory. The protection of personal data and the privacy of individuals constitute fundamental rights, but these must not limit or restrict the dissemination of information that is of public interest.

10. The malicious or deliberate dissemination of disinformation by government or private sector actors may affect public trust. Disinformation must not be combated with censorship mechanisms or criminal sanctions, but rather with the adoption of policies of news and digital literacy. Technological intermediaries must adopt self-regulation measures to prevent the dissemination of deliberate misinformation.

11. Governments must not impose any legal responsibility upon actors in the digital ecosystem for content generated or shared by third parties on their platforms.

12. Actors in the digital ecosystem must achieve an adequate balance between freedom of expression and intellectual property rights and copyrights; as well as with respect to any benefits that may be generated in that ecosystem. They must also avoid abusive practices that may impact on competition, innovation and the free flow of information.

13. Technological intermediaries must be committed to respect and promote freedom of expression and must not yield pressures from governments and other powerful groups. Their policies and criteria used to restrict content circulation must be clear and transparent. They must also establish good practices to safeguard personal data and the privacy of those persons who utilize their platforms and services. In any event, they must have reporting mechanisms accessible to those individuals who might find that the exercise of their rights has been affected.

Under this Declaration of Principles and in the spirit of the Declaration of Chapultepec we firmly reiterate that the fight for freedom of expression and freedom of the press is essential for democracy and the common benefit: “To defend them day after day is to honor our history and to be masters of our destiny.”