**Submission to the Special Rapporteur Report on Freedom of Expression in Times of Armed Conflict and other Disturbances**

**Introduction**

Representing [Telia Company](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.teliacompany.com%2Fen%2F&data=05%7C01%7Chrc-sr-freedex%40un.org%7C0f44e4c6adcd41a831cc08da634e7ada%7C0f9e35db544f4f60bdcc5ea416e6dc70%7C0%7C0%7C637931486273940990%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=P0qhojYiHfXY4BztByp9qNfLOxF7CzNyEJP7AYvlJ%2BE%3D&reserved=0) I welcome the opportunity to engage with the Office of the High Commissioner for Human Rights (OHCHR) on the challenges to freedom of opinion and expression in times of armed conflict and other disturbances to inform the Special Rapporteur’s scoping report for submission to the 77th session of the UN General Assembly in October 2022. Telia Company addresses Freedom of Expression & Surveillance Privacy through own governance and processes, more information [here](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.teliacompany.com%2Fen%2Fsustainability%2Fresponsible-business%2Ffreedom-of-expression%2F&data=05%7C01%7Chrc-sr-freedex%40un.org%7C0f44e4c6adcd41a831cc08da634e7ada%7C0f9e35db544f4f60bdcc5ea416e6dc70%7C0%7C0%7C637931486273940990%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=uRAj%2FIebgY3YPQRzEo%2FxBMrIlBVScgAK5TdHMwGNpqM%3D&reserved=0), and also as active participant in the Global Network Initiative (GNI).

**Scope of submission**

Your Question 2:

*2. a) What are the legal, policy and practical challenges faced by States, companies, media and civil society organizations in upholding freedom of opinion and expression while countering hate speech, disinformation or other forms of information manipulation in situations of conflict and disturbances?*

*b) Where do you see major legal and policy gaps or inconsistencies on these issues? Please share your thoughts on how they could be best addressed.*

**Submission**

States and supra-national authorities, also in times of crisis and expectations of quick response, need to provide clarity when issuing Regulations to block content. The following are *examples* of what happens when such clarity is not provided, in relation to the EU Council Sanctions Regulation as to what media content private telecom operators shall block from the Internet:

1. The telecom industry organizations ETNO and GSMA are together gathering information on the extent of blocking in EU member states based on ‘*COUNCIL REGULATION (EU) 2022/350 of 1 March 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine’*. The Council referred the operators to BEREC for guidance on what to block. Blocking based on this sanction differs largely from member state to member state. Some of the issues noted, so far, have been that:

• Despite the said Regulation requiring blocking of URLs, no list of URLs was provided in the Regulation nor in its subsequent revision

• The lists of URLs differ from country-to-country, despite being accessible from all countries;

• In some cases where a list was provided, the authority doing so had no legal power to issue a blocking order;

• In Sweden it is unclear as to which local authority is mandated to provide guidance on what to block;

• In one case, the URL list comprised 45’000 URLs; and

• In some countries, blocking was not only based on the Council Regulation but included a different legal basis in national legislation

1. In Denmark the Danish Ministry of Culture sent the attached letter 08/06/22, with appendix listing both DNS-levels and levels below DNS, to the industry organization explaining the ISPs need to interpret the EU Regulation themselves. The letter and the appendix is an illustrative example where the lack of clarity in the EU Regulation continuous on local level.
2. Telia Company has published an article on the need for clarity, available [here](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.teliacompany.com%2Fen%2Fsustainability%2Fresponsible-business%2Ffreedom-of-expression%2F%23ts-section-92782&data=05%7C01%7Chrc-sr-freedex%40un.org%7C0f44e4c6adcd41a831cc08da634e7ada%7C0f9e35db544f4f60bdcc5ea416e6dc70%7C0%7C0%7C637931486273940990%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=XrDcBSd4aIUrUojnA3pS5701dGa3he%2BqR9Kmqt%2FXpZg%3D&reserved=0). Extract: *“Telia Company’s general policy and starting-point is to not close TV-channels and block Internet sites based on content itself. Such decisions are for authorities to make based on constitutional and other laws regulating content including instances when freedom of expression can be limited. We encourage clear and timely guidance from the EU and from governments and regulators when such is not yet in place with the aim to uphold the principle of letting governments, not private entities, make decisions on limitations to freedom of expression.”*

Best of regards,

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