



December 12, 2017

Ajit Pai  
Chairman  
Federal Communications Commission (FCC)  
445 12th Street, SW  
Washington, DC 20554

**Human rights impacts of revoking FCC rules on network neutrality**

Dear Chairman Pai,

I am writing today to urge you to vote “no” on the proposal to remove the current FCC regulations on network neutrality.<sup>1</sup> If implemented, the proposal would have grave implications for human rights in the United States, with disproportionate impact on the poorest and most marginalized members of society.

Amnesty International is the world's largest grassroots human rights organization, with more than 7 million supporters, activists and volunteers in over 150 countries.

Network neutrality being the principle that all internet traffic is treated equally, it ensures that internet service providers (ISPs) deliver traffic without discriminating against different content, applications, services and devices. When network neutrality is preserved, people have the freedom to choose to access any legal traffic on the internet, without experiencing different speeds or being charged differently depending on the website they visit or the information they download.

Internet access is increasingly critical for people’s ability to claim human rights, even more so in highly-connected societies such as the United States. This particularly applies to the rights to freedom of expression and opinion, given the internet’s central role in allowing people to seek, receive and impart information and ideas. Internet access has also become essential for realizing a range of other rights, including economic, social and cultural rights.<sup>2</sup>

As part of its positive obligations under international human rights law, the United States must foster the independence of information and communications technologies, and ensure individuals are able to access them.<sup>3</sup> By promoting the

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<sup>1</sup> FCC, *Declaratory Ruling, Report and Order, and Order on “Restoring Internet Freedom”*

<sup>2</sup> Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report to the Human Rights Council, May 2011, A/HRC/17/27, para 22

<sup>3</sup> United Nations Human Rights Committee, *General comment No. 34*, para 15

widest possible non-discriminatory access to information online, measures to protect network neutrality help safeguard people's human rights.<sup>4</sup>

The proposal to lift the FCC's existing rules on *Protecting and Promoting the Open Internet* and replace them with "light touch" regulation would mean an end to network neutrality. The proposal would allow ISPs to unilaterally decide to restrict, block or give preferential access to different internet traffic, resulting in a "two-tier" internet. It would permit the practice of "zero rating," which gives users access to only some online services for free, rather than all parts of the internet, thus resulting in unequal and discriminatory access. This would effectively make full and unmediated access to information the privilege of those who can afford it, discriminating against low-income households. It would also allow "paid prioritization", meaning that ISPs will be able to give preferential treatment to certain traffic in return for payment, so that different websites and services will function at slower speeds than others.

These pose serious threats for instance to the work of public and social watchdog organizations and other grassroots non-governmental organizations in the USA. NGOs are heavily dependent on the internet to carry out their work and to reach a wide audience. However, without network neutrality, the vast majority of NGOs will be unable to match the spending power of large media companies and other competing content providers. This threatens to stifle and side-line NGOs, among others, and the vital work that civil society carries out in a functioning democratic society.

The FCC's proposal is grounded on the assumption that existing rules preventing ISPs from discriminating in the delivery of internet traffic are unnecessary, and that requirements on ISPs to be transparent in their practices will be sufficient to ensure good practice. This assumption is not in line with Amnesty International's years of experience working on the responsibility of corporate actors to respect human rights. The organization has repeatedly documented cases where voluntary action by companies has fallen far below the requirements of human rights standards.<sup>5</sup>

The practices of ISPs demonstrate the need for government regulation in this context.<sup>6</sup> The Department of Justice has itself recognized that ISPs use their control over networks to harm competition, reducing innovation and leading to higher costs

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<sup>4</sup> David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Report to the Human Rights Council, March 2017, A/HRC/35/22, para 23

<sup>5</sup> See for example, Amnesty International, "*This Is What We Die For: Human Rights Abuses In The Democratic Republic Of The Congo Power The Global Trade In Cobalt*", January 2016, Index: AFR 62/3183/2016, pp 61, 64-65; 59 European and global non-governmental organisations, *Breaking the links between natural resources and conflict: The case for EU regulation*, September 2013, page 5

<sup>6</sup> Daily Dot, *The worst net neutrality violations in history*, 21 May 2014 <https://www.dailydot.com/layer8/net-neutrality-violations-history/>

for consumers.<sup>7</sup> On the very day that the FCC first announced its plan to lift the existing net neutrality rules, Comcast removed from its website a commitment not to prioritize internet traffic or create paid fast lanes (i.e. paid prioritization).<sup>8</sup>

The proposal also comes at a time when governments around the world are strengthening, rather than weakening, protections on network neutrality. On 28 November, the Telecom Regulatory Authority of India (TRAI) issued a recommendation to explicitly prohibit discriminatory traffic management practices.<sup>9</sup> Countries that have already adopted measures to ensure network neutrality include Brazil, Chile, Norway and the Netherlands. In August 2016, the European Union published guidelines that prohibit ISPs from unduly blocking or slowing down of Internet traffic.<sup>10</sup>

The existing FCC rules do not constitute, as Chairman Pai's proposal states, "government control of the internet". On the contrary, network neutrality protections help ensure an open and equal internet in which all individuals have the widest possible access to information, and are best able to claim their rights.

I urge you to reject the proposal on December 14<sup>th</sup> and maintain the existing network neutrality protections.

Sincerely,



Margaret Huang  
Executive Director

Cc: FCC Commissioners Mignon Clyburn, Michael O'Rielly, Brendan Carr, Jessica Rosenworcel

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<sup>7</sup> Complaint, United States of America v. AT&T Inc. et al, Case 1:17-cv-02511, Document 1, 20 November 2017, <https://assets.documentcloud.org/documents/4254900/ATT-Antitrust-Complaint.pdf>

<sup>8</sup> ArsTechnica, *Comcast deleted net neutrality pledge the same day FCC announced repeal*, 29 November 2017

<sup>9</sup> Telecom Regulatory Authority of India (TRAI), *Recommendations on Net Neutrality*, 28 November 2017 [http://www.trai.gov.in/sites/default/files/Recommendations\\_NN\\_2017\\_11\\_28.pdf](http://www.trai.gov.in/sites/default/files/Recommendations_NN_2017_11_28.pdf)

<sup>10</sup> Body of European Regulators for Electronic Communications (BEREC), *All you need to know about Net Neutrality rules in the EU*, <http://berec.europa.eu/eng/netneutrality/>