

CASE SUMMARY

Website censorship in Spain affecting women's sexual and reproductive rights

VICTIM: WOMEN ON WEB INTERNATIONAL FOUNDATION (NGO)

COUNTRY: SPAIN

DATES COVERED: JANUARY, 2020 - ONGOING

PERPETRATORS: SPANISH REGULATORY AGENCY AND/OR SPANISH INTERNET PROVIDERS

About the Victim:

Women on Web (“WOW”), is a well-recognized Canadian non-profit organization which shares scientific information by the World Health Organization on safe medical abortion worldwide. WOW has provided information on safe abortion to over half a million women globally since the onset of its operations in 2006. It has also published high quality research, published in outlets such as The Lancet and the England Journal of Medicine on issues of risks, security, demands and concerns of women in need of emergency reproductive care in different settings. WHO has considered Women on Web's service a safe service for women.

Summary of the Case:

On May 29th, 2019, Women on Web received an email from the Agencia Española de Medicamentos y Productos Sanitarios (AEMPS), stating that WOW would not be operating in compliance with applicable regulations in Spain. No further contact has been established.

Then, during the end of January 2020, WOW's website was blocked in Spain. Internet service providers are blocking the website. Such censorship has been enacted without any known legal intervention, nor steps taken for domestic remedy.

Contact trials to both the government and ISPs went unanswered. The website remains censored, affecting the victim and hundreds of Spanish women in need of evidence-based information on their sexual and reproductive rights.

State's and corporations' Response:

As of June, 8th, 2020, no information whatsoever had been provided either by the Spanish State or the ISPs to indicate which authority was ordering these restrictions or whether the ISPs had initiated the censorship autonomously.

Unable to identify the proper actor, Women on Web published a public letter to distinct public and private stakeholders (attached). Namely, to the National Spanish Agency of Medicines and Sanitary Products, as well as to the CEO's of the Spanish internet providers: ISP Vodafone, Telefónica, Orange, Csuc, MÁSMÓVIL y XFERA.

Up to date, no answer has been received, whereas the website remains censored.

Standards on Freedom of Expression:

- States should refrain and cease from measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law;
- Companies should develop clear and specific criteria for identifying activities that implicate freedom of expression and trigger due diligence processes;
- Companies should ensure that all requests for content restriction and customer data comply not only with procedural and legal requirements specified under local law, but also internationally established due process standards.