FOR AN INCLUSIVE AND EQUITABLE DIGITAL ENVIRONMENT

ANNUAL REPORT 2023

EDRi

European Digital Rights

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OPENING WORDS

2023 marked the *20th anniversary* of the EDRi network. The *celebrations in March* paid tribute to the founders and the builders of our movements, who had a vision for an open internet and human rights in the digital age 20 years ago, when the internet was barely impacting our lives.

Ever since, EDRi has challenged abuse of power in the digitalised society, leading European Commission Vice-President Margrethe Vestager to congratulate EDRi for "two decades of hard and persistent advocacy work in defending and advancing digital rights in Europe (…) and for contributing to making [the European Commission's] proposals more robust, more targeted, more balanced and better enforced."

In 20 years, EDRi has come a long way, and our mission is crucial in a world that seems increasingly connected. We live in a space in which **corporate and state surveillance** are affecting the essence of our societal fabric, leading to a destabilisation of peace and the information ecosystem, and causing harms to the historically marginalised among us.

We took stock of our progress to date on delivering our vision of a world in which people live with dignity and vitality, and our mission to challenge private and state actors who abuse their power.

In 2023, we also lamented the recurrence of familiar points of tension. Our **work is unavoidably situated amid the global crises of our times.** Many EDRi members denounced the systemic censorship of Palestinian voices on social media, reacting to the escalation of violence in Gaza following the 7 October 2023 attacks, and spoke out against the ongoing war in Ukraine.

Throughout 2023, we were grateful that our network was central to so many inspiring and resilient coalitions and movements around *artificial intelligence and migration, health data,* media freedom, *biometric mass surveillance,* as well as *confidentiality of communications.* Collectively, these coalitions count over 400 groups and organisations.

Together, we increased institutional accountability for the use of high-risk AI systems, avoided the worst attacks on encryption, the privacy of our communications and the integrity of our networks and systems, but also built new bridges with those concerned over the privacy of health data.

Unfortunately, EDRi and its allies faced many challenges along the way. We witnessed a lack of ambition of the EU institutions to *ban the use of spyware,* human rights cave-ins in the name of *AI innovation and uses in law enforcement,* and a backsliding of *freedom of expression and combating disinformation* in the European Media Freedom Act.

We prepared for 2024 as an electoral year, articulating what our *visions for digital futures* would look like, centred on people, democracy and the planet.

We look ahead with hopes that our collective resilience and communities make us stronger, and are grateful for the continuous support we receive.

Claire Fernandez, *Executive Director* and **Anna Fielder,** *President*

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OUR MOVEMENT

CELEBRATING 20 YEARS OF EDRi

In 2023, EDRi celebrated two decades of defending and promoting human rights in the digital age.

We welcomed friends and allies to a *reception event in Brussels*, and collectively reflected on our *progress* to date on delivering the network's vision of a world in which people live with dignity and vitality, while pursuing our mission to challenge private and state actors who abuse their power. The event featured EDRi founders, staff and current network members. We were also joined by Margrethe Vestager (Executive Vice-President of the European Commission) and Members of the European Parliament, Kim van Sparrentak and Birgit Sippel, along with Meredith Whittaker, President of the Signal Foundation.

To celebrate EDRi's legacy and envision our future, we were very pleased to curate **a mini art exhibition titled "Layers of Transformation: Art for digital rights".** In this exhibition, we displayed the *"Anatomy of an AI System"* by *Kate Crawford* and *Vladan Joler*, and *"MyFACE"*, a performance and installation by *Laura A Dima*. Participants could also engage with the *Decol Game*, a video game embodying the process of *decolonising digital rights in Europe*, created by *Ahmed Isamaldin Mohamed Ahmed*.

In 2023, EDRi also launched its commissioned research *"IMPACT JOURNEY: Major outcomes and impacts in 20 years of digital rights advocacy"*. The report centred on learning questions concerning aspects of EDRi's collective work: **mobilisation, network development and network identity** in a changing field. We spent the year *taking stock* of the crucial opportunities and challenges our movement faces, as we follow our aim to better equip Europe for the human rights challenges of the digital age.

EDRi 20th anniversary event in Brussels, Belgium

Credit:
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Photos were taken by Camille Delbos

"EDRi is an example that the European idea can work, EDRi gives you hope for what can be achieved when different languages and cultures unite towards specific goals"

Raegan MacDonald,
exiting Board Member

EDRi 20th anniversary event in Brussels, Belgium

Credit:
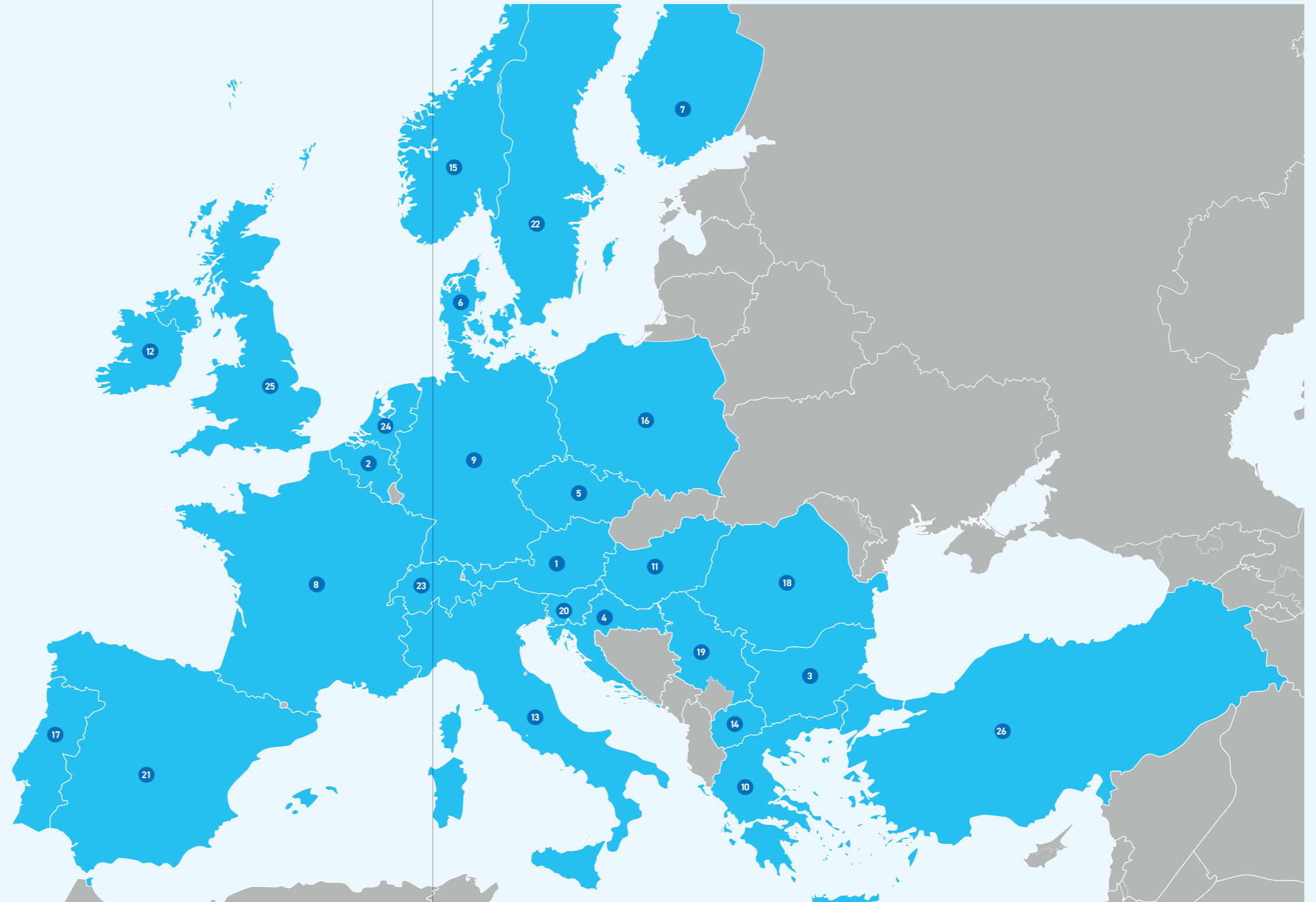*All photos are licensed under CC-BY 4.0 European Digital Rights.*

Photos were taken by Camille Delbos

EDRi Network 2023

A GROWING NETWORK

In 2023, EDRi's General Assembly took place in Belgrade, Serbia, and was hosted by *SHARE Foundation*.

During the General Assembly, the EDRi network welcomed **two new members** – *Digitale Gesellschaft Schweiz* and *Open Future* from the Netherlands.

Prior to that General Assembly, **three organisations became Affiliates**, which is the first step to becoming fully fledged members of the EDRi network. These organisations included *Superrr Lab*, *Petites Singularités* and *European Sex Workers Alliance (ESWA)*.

The new additions will help to consolidate EDRi's presence in an important non-EU country (Switzerland), but also to improve the network's expertise in open culture and knowledge, as well as widen EDRi's expertise on the digital rights of sex workers, technology and feminism, tech sovereignty and free and open software.

Overall, this resulted in EDRi becoming a collective of **50+ members and affiliates,** vividly advocating for human rights in the digital age, across Europe and beyond.

EDRi General Assembly 2023, Belgrade, Serbia

Check out the links and extra information in the online version of the Annual Report at edri.org

EDRi 20th anniversary event in Brussels, Belgium
www.youtube.com

EDRi'S BOARD

During the May 2023 General Assembly, the EDRi network elected **2 new board members**: Andrej Petrovski, Director of Tech at SHARE Foundation and isabela fernandes, Executive Director at TOR Project.

The newly-elected elected members joined **sitting board members** Anna Fielder, Alyna Smith, Walter van Holst and Thomas Lohninger, while the mandates of Raegan MacDonald and Martha Dark **came to an end**.

EDRi'S BRUSSELS STAFF
(AS OF APRIL 2024)

EDRi's Brussels office forms a dynamic, creative and diligent group working to advance EDRi's mission. In 2023, existing employees were joined by new colleagues, and we saw the departure of other esteemed former peers.

In 2023, EDRi welcomed Shubham Kaushik, Brian Donnelly and Itxaso Domínguez de Olazábal. During the year, EDRi's work was also made possible thanks to the contributions of these **former staff members:** Diego Naranjo, Sarah Chander, Sebastián Becker Castellaro, Ioana Barbulescu and Enxhi Noni.

Claire Fernandez
Executive Director

Katarína Bartovičová
Senior Fundraising Manager

Jean Duclos
Senior Finance and Administration Officer

Assita Kone
Junior Administration and Finance Officer

Guillermo Peris
Senior Network and Events Manager

Ella Jakubowska
Head of Policy

Jan Penfrat
Senior Policy Advisor

Chloé Berthélémy
Senior Policy Advisor

Itxaso Domínguez de Olazábal
Policy Advisor

Andreea Belu
Head of Campaigns and Communications

Viktoria Tomova
Communications and Media Officer

Shubham Kaushik
Communications and Media Officer

Valentina Carrasco
Design and Creative Production Officer

Chiara Miraglia
Communications and Campaigns Officer

Brian Donnelly
Campaigns Officer

1.5 ORGANISATIONAL DEVELOPMENT

EDRi grew in several ways, both in terms of different policies and practices adopted in its Brussels office, but also as EDRi members developed their teams and internal structures.

Staff Committee
In March 2023, the Office created its Staff Committee, a non-statutory consultation and information body with the mission to draft policies and make recommendations in the area of staff working conditions, benefits, overall well-being and development. Alongside the Executive Director and the Senior Finance and Administration Officer, the Committee was also made up of two elected staff representatives. In 2023, this Committee issued recommendations concerning the compensation policy, a four-day week trial, and a policy draft on contract renewal/termination.

Compensation Policy
As a complement to EDRi's salary policy, the compensation policy was adopted as additional compensation and recognition to staff members (with at least one year of seniority in the team at any level) who lead over a prolonged period of time on additional, transversal work (including carrying a burden of emotional impact, potential harm and necessary after-care) that compensates for structural skill gaps or the current lack of lived experience of marginalisation within the team/management.

4 day-week trial
Starting in July 2023, EDRi rolled out a trial for *a 4-day week scheme*, in order to test the effects of reduced working time on staff's well-being, work productivity, and stress levels. At the end of the year, the Staff Committee reviewed the trial policy. Employees reported feeling more energised, efficient, empowered and motivated. The policy also improved workload prioritisation and objectives delivery. While waiting for feasibility studies, the EDRi Board has decided to prolong the pilot until the end of June 2024.

1.6 STRATEGIC PLANNING, NETWORK HEALTH AND GOVERNANCE

The EDRi members' dedicated Working Group successfully completed the **revision of the EDRi statutes** required by the Belgian legislation. The network took advantage of the opportunity to incorporate into the statutes several changes in governance that had been approved over the years but that were not yet reflected at the statutory level, creating a more transparent governance framework. This revision was finalised in mid-November 2023 and the statutes are now registered with the Belgian administration.

Another dedicated Working Group finalised the drafting of an **internal participatory grant-making (PGM) scheme**. The new scheme aims to develop financial support mechanisms for the work of EDRi members and partners, especially at the national and local levels, to heighten the collective impact and in particular to build a resilient and sustainable digital rights field. The PGM is a way to shift power and resources to organisations doing work to promote and protect digital rights, which will be beneficial for the EDRi network infrastructure and capacity, as well as for broader EDRi partners, coalitions and campaigns. The scheme will be piloted throughout 2024 and 2025.

In October 2023, many EDRi members, staff and Board representatives met to discuss **EDRi's directions:** 1) EDRi's Values our network adheres to, 2) boundaries for EDRi's political strategies, 3) Community agreements to keep our dialogue productive. The meeting was a recentring exercise, timely in light of the 2024 elections, which helped lay the groundwork internally for the next strategic cycle. As a result, a text describing the shared values of EDRi members is set to be articulated in 2024.

In 2023, EDRi started an important envisioning exercise, developing its *Manifesto* **"Visions for digital futures: people, democracy and the planet".** The manifesto was based on a wide consultation, and prepared us for a 2024 with many elections throughout the world, but also for the 2024 European elections. Centred on people, democracy and the planet, our vision included a set of policy recommendations, just in time for the arrival of 2024's new Members of the European Parliament and new decision-makers in the European Commission.

1.7 DECOLONISING THE DIGITAL RIGHTS FIELD

In 2023, EDRi continued developing a collaborative design process for a decolonising programme for the European digital rights field. This is a joint project launched in 2020 and conducted in cooperation with the *Digital Freedom Fund (DFF)*.

The designated **EDRi Working Group**, which has around 30 members, collaborated on building a multi-year programme to explore how the digital rights field can be more equipped to effectively defend the digital rights of all. Detailed information about this process is available *on the DFF's website*.

The first draft of the decolonising programme was prepared in early 2023. This was followed by a **consultation meeting** with EDRi's decolonising Working Group, as well as by **public consultations** in April. During these consultations, those external to the process were invited to comment and provide input regarding the work done so far.

In the latter part of the year, the final programme was written, translated and prepared for dissemination in 2024. The programme outlines a vision for digital organising, a broader ecosystem of digital justice work and concrete reflections on how to get there.

On 11 October, EDRi co-led the **programme's pre-launch event** with DFF, creating a celebratory space for both the community involved in drafting the programme, and for funders interested in the initiative.

Decolonising programme pre-launch event in Brussels, Belgium

WORK AREAS

2.1

PRIVACY AND DATA PROTECTION

Privacy and data protection are vital for our lives and connections with others. They allow us to work, socialise, organise, express ourselves, care for each other safely, and develop our opinions, beliefs and ideas with dignity. Governments' and private companies' attempts to access personal data have severe consequences on people's autonomy and freedoms, especially for human rights defenders and activists. EDRi works to ensure the enforcement of data protection and privacy standards safeguards against unlawful surveillance practices.

Check out the links and extra information in the online version of the Annual Report at edri.org

CONFIDENTIALITY OF COMMUNICATIONS
(CSAR, ENCRYPTION BACKDOORS, CYBERSECURITY)

In 2023, the EDRi network launched its *Stop Scanning Me campaign*, which achieved a number of successes in the context of advocacy work on **the Child Sexual Abuse Regulation (CSAR)**. By the end of December 2023, 133 NGOs joined and supported the campaign. Our collective efforts resulted in over 700 press mentions, including in leading news outlets like *Politico*, *Euronews*, *Euractiv* and *WIRED*, and achieved nearly 114,000 impressions on social media.

A particular outcome has been the **mobilisation of over 500 scientists** around the world who *stood up against the proposed CSAR*, citing harmful side-effects of large-scale scanning of online communications, which would have a chilling effect on society and negatively affect democracies.

In addition, through *a poll conducted among young people*, EDRi brought their voices to the EU corridors of power. As the United Nations Convention on the Rights of the Child points out, engaging young people when it comes to laws that affect them is a key part of realising their rights.

The poll results made it clear to EU lawmakers that the great majority of young people in the EU would not feel comfortable being politically active or exploring their sexuality if authorities were able to monitor their digital communication while looking for child sexual abuse material. As a result, EDRi successfully countered the dominant opposition narrative that this law would help children. This has been recognised by a number of funders and partners.

The EDRi youth survey results were mentioned in forums relevant to CSAR in Brussels and beyond, including during key decision-making meetings (e.g" the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), an expert hearing by Dutch child rights organisations) but also in a German child rights organisation's campaign video and numerous national and EU media.

For example, *an opinion piece EDRi published* in Euronews on the EU's threat to secure and private messages echoed strongly in public debate. With Euronews reaching over 19 million readers, this particular publication led to 163 re/tweets, 208 Facebook posts, likes and comments, as well as 55 Reddit shares across the top 17,000 most popular subreddits. Additionally, *EDRi's comprehensive document pool*, visualising the wide criticism from diverse stakeholders of the CSAR, was cited as being quite influential ahead of the European Parliament's vote.

"This, again, is why I am grateful to EDRi for your work. These are not dry, technical issues that belong in a sidebar on tech policy at some dreary meeting. These are fundamental to a livable future. And right now we're facing a renewed and vitriolic attack on privacy that will take real resolve to contest."

Meredith Whittaker,
Signal's President
at EDRi's 20th anniversary event

In March, **Statewatch** *obtained and published the minutes* of an EU-US Senior Officials Meeting on Justice and Home Affairs, which called for "the need to mirror privacy by design with lawful access by design". In response, EDRi and eight members of the EDRi network addressed *a letter to the European Commission* calling on the EU to uphold "encryption, privacy and confidentiality of communications as cornerstones of democracies in the digital age". This, along with other leaked documents that Statewatch have published, has **supported efforts amongst civil society** to keep the importance of upholding strong encryption on the public and political agenda.

Thanks to our continued advocacy efforts, including mobilising supporters, shaping the public narrative and issuing policy recommendations, in the first half of 2023, for the first time since the CSAR was proposed, it became more politically difficult to voice support for the CSAR than to oppose it.

Furthermore, various MEPs from different political groups in the European Parliament's Internal Market Committee (IMCO) tabled **a rejection amendment to the CSAR**. Fourteen MEPs proposed a mass deletion of all parts in the text that would infringe on people's fundamental rights, and hundreds suggested including EDRi's amendments to the rest of the text. Additionally, the EDRi network's analysis was quoted in the *impact assessment report of the European Parliament on the CSAR*.

The campaigning efforts at the national level led by German EDRi members achieved a high level of press attention and pushed the discussion to the national political debate.

During the **German Bundestag hearing,** EDRi members and representatives from the Brussels office participated with their expertise. The contributions of **Chaos Computer Club (CCC) and Gesellschaft für Freiheitsrechte (GFF)** received unanimous praise from Members of the Parliament.

Demonstration organised by Konstellationen, Föreningen För Digitala Fri-och Rättigheter (DFRI). Stockholm, Sweden (20 May 2023)

Activists from 13 European countries in Brussels asking MEPs to reject the CSAR proposal. Brussels, Belgium (10 October 2023)

Meredith Whittaker discussing with activists and civil society

Credit:
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Photos were taken by Omar Havana

"Governments have a significant advantage over citizens and a number of tools that allow them to surveil citizens without their knowledge. My case perfectly shows that if we only give bad guys a chance to abuse the law, they will start doing it - it's only a matter of time."

Bart Staszewski,
LGBTI+ activists, Founder and Chariman of Basta Foundation, at the Encryption in the Age of Surveillance event

In the **Netherlands**, criticism also mounted against the CSAR, following efforts led by **Bits of Freedom**. In January, Bits of Freedom organised their Big Brother Awards, which "award" the biggest privacy violators of the year. In 2023, the European Commissioner for Home Affairs, Ylva Johansson, *won the Big Brother Award for her CSAR proposal*. She attended virtually and gave an acceptance speech. Given her refusal to meet with digital rights civil society organisations, this was a notable occasion.

Ahead of the **European Parliament IMCO-LIBE vote on CSAR, we coordinated two mass mailing actions**, mobilising thousands of supporters to reach out to their MEPs and call for the rejection of the CSAR proposal. Thanks to our strong community of volunteers, we coordinated the action in 9 languages. As a result, EDRi facilitated people's direct participation in the policy-making process and achieved a high rate of return emails from MEP offices in support of people's demands for secure and encrypted communications.

We also held **several offline actions** organised by EDRi members in *Stockholm*, *Berlin* and *Brussels*.

By the end of 2023, EDRi and its partners mobilised **over 200,000 people across the EU** through a petition. As a culmination of these efforts, **EDRi supported the travel of 23 volunteers from all over Europe** for an action in the European Parliament. Over three days, the activists from Greece, Italy, the Czech Republic, Austria, Sweden, Finland, Norway, Portugal, Denmark, Romania, Germany, Spain and France had meetings with MEPs from all political groups. During their discussions, they made a critical point about the grave consequences the proposed measures would have on people's life experiences.

In 2023, EDRi published a *much-needed policy analysis* showing that **age verification** threatens the privacy, data protection and free expression rights of children and adults alike. In a context where lawmakers were increasingly turning to age verification as a way to tackle online harms and illegal activities, for example in the draft EU Child Sexual Abuse Regulation, this analysis filled an important gap in the public debate by bringing civil society's perspective to the table. We believe that, more broadly, our work on this crucial issue helped to set a more critical and nuanced agenda on age verification in the European Parliament ahead of a key vote.

In November 2023, the European Parliament adopted a position that rejected the implementation of **mandatory age verification,** the weakening of encryption, and the surveillance of people's digital private lives without reasonable suspicion. This decision was heavily influenced by our collective and continuous efforts since the very beginning of the legislative process around the CSAR.

Our efforts to protect encryption went beyond the CSAR. In September 2023, in light of an increased political push for circumventing encryption, EDRi organised the **Encryption in the Age of Surveillance event in Brussels, Belgium**. The gathering brought together activists who shared their testimonials on secure communication, Signal's President Meredith Whittaker and the Council of Europe's Human Rights Commissioner, Dunja Mijatović.

We heard from **journalists, human rights defenders and privacy experts**. They spoke about the decisive and protective role of encryption in allowing them to work, socialise, organise, express themselves, and care for others safely, without the fear of being put under arbitrary suspicion. These stories were also reflected upon in an *opinion piece published for Euronews* ahead of the event.

Together, with **top experts in the field**, including Meredith Whittaker, Dunja Mijatović, and Carmela Troncoso, an Assistant Professor at the EPFL (École Polytechnique Fédérale de Lausanne) and an expert in security and privacy, we also discussed the historical context in which current threats to encryption emerge and what can be done to build a truly safe online space for all.

In **France, La Quadrature du Net** raised awareness of the **criminalisation of encryption** by publishing an *influential opinion piece in Le Monde*. The opinion piece then transformed into a *political statement* signed by more than **130 individuals and organisations,** calling against the criminalisation of encryption.

"There must be no general and indiscriminate access to the content of personal communications, neither by state authorities nor by companies: this would undermine the very essence of digital security in terms of privacy protection and human rights safeguards."

Dunja Mijatović, Commissioner for Human Rights, Council of Europe at EDRi's event
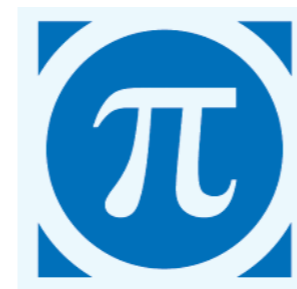
La Quadrature du Net for *Le Monde*

"Throughout history, people all over the world used encryption to investigate corruption, to organise and challenge oppressive regimes, to create social change, and to make our world a just space for all. As of 2022, over 2 billion people use encryption every day, all over the world. The reason is simple: privacy empowers us all."

SPYWARE

EDRi has been leading civil society efforts to include links to protecting encryption in other policy initiatives, and in relation to Spyware. For example, **11 EDRi amendments were tabled** in the draft recommendations of the **PEGA Committee**, which is the European Parliament committee investigating the use of Pegasus surveillance spyware. These included the integration of spyware use monitoring in the European Commission's rule of law reports on EU States, and a request to the Commission to start infringement procedures against Member States whose laws violate the e-Privacy Directive.

In 2023, EDRi continued to advocate for a **European Media Freedom Act (EMFA)** that would protect journalists and media workers from surveillance tools like spyware, and would ensure a diverse information ecosystem.

Our advocacy efforts were heard by the European Parliament, which took into consideration our legal recommendations to include new safeguards in the protection of journalists against electronic surveillance and explicit protection of encrypted communications within the EMFA. Several EDRi-led proposed amendments made it into to the lead committee Rapporteur's report. **Nineteen of EDRi's amendments on the EMFA were tabled** by the Renew, Greens, S&D and the Left political groups in the European Parliament.

Pushing back against Member States' efforts to weaken the already insufficient provisions on the protection of journalists in the EMFA, we raised awareness among *digital rights, journalists and media organisations*. As a result, *we mobilised 500 journalists* to show their support for a ban on spyware ahead of the European Parliament's vote.

Nevertheless, the European Parliament did not vote in favour of a full and complete ban on the use of spyware against journalists. Following inter-institutional negotiations, the **final EMFA text** lacks crucial safeguards against the surveillance of journalists and for an adequate protection of their sources, which dangerously promotes the use of spyware in the EU.

In November 2023, th**e SHARE Foundation** shed light on the **disastrous impact of spyware against critical voices in Serbia**, after two members of civil society from Belgrade were alerted that they were potential targets of state-sponsored spyware attacks in late October 2023. Together with **Access Now, Amnesty International and Citizen Lab**, SHARE Foundation confirmed the attempts to infect these devices, targeting vulnerabilities previously linked with Pegasus spyware. This was the first recorded incident of targeting people using advanced spyware tools such as Pegasus or Predator in Serbia.

In 2023, significant efforts were made by EDRi observer the **Hungarian Civil Liberties Union (HCLU)** to *pursue litigation involving government bodies in the Pegasus case*: a matter of state secret surveillance targeting journalists, lawyers and human rights defenders. HCLU won lawsuits against several key bodies, including the Constitution Protection Office, a national security agency, which was ordered to disclose whether it was handling the data of one of the HCLU's clients. Additionally, they successfully litigated against the Data Protection Authority for disregarding fundamental rights perspectives during the course of its investigations, and the Ministry of Justice for withholding public information.

STATE SURVEILLANCE
(PRÜM II, EUROPOL)

The EDRi network's advocacy on the **Prüm II Regulation** resulted in several of EDRi's proposed safeguards remaining in the compromise texts. In addition, we were successful in preventing non-suspect missing persons from being added to the scope of the law. This is important because the legislation concerns the processing of criminal and suspect data, not that of potentially vulnerable people, which needs to be treated separately.

The report on Prüm II was adopted by the European Parliament on 23 May 2023. While the final text contains some additional safeguards compared to the original proposal by the European Commission, these remain insufficient compared with the list of our requests. Despite our efforts, *the report was adopted by a large majority of MEPs.*

Together with **Statewatch** – and with input from other EDRi members, partners and experts – **we** *developed a guide* **for activists, lawyers** and others interested in accessing their personal data that is processed, or has been processed, by **Europol.** The guide is available in **six languages.**

In November 2023, 80 people participated in a **webinar by Statewatch and EDRi** on how to counter the surveillance practices of European law enforcement against activists and civil society.

EDRi also coordinated an **open group of activists, researchers, lawyers, journalists, prison and police abolitionists, civil society organisations and others** with a shared concern about the expanding EU policies, practices and agenda driven by criminalisation, surveillance and punishment. This coalition aims to resist the continued expansion of Europol.

In 2023, *Open Rights Group's* research revealed the extent to which the data of people who are referred to the UK's **Prevent Programme**, a Government strategy designed to detect and intervene with individuals at risk of radicalisation, is being shared. The findings brought to light important information that data is being retained for years, even when referrals are marked "no further action", and shared with ports, airports and immigration agencies. Though many organisations have been raising awareness of the harms of Prevent referrals, none until this report had been able to shine a light on how the data practices were underpinning this. With the new insight, it was possible to understand and challenge these processes.

Thanks to the **Panoptykon Foundation's** advocacy efforts at the national level in Poland, enhanced independent control over state surveillance activities was incorporated into a **"coalition agreement" between the parties** that formed the ruling majority in the current Parliament, setting the ground for meaningful legislative reforms in this area. In particular, the agreement contained the Panoptykon Foundation's key recommendation to introduce an ex-post notification mechanism for persons who were subjected to surveillance. The Panoptykon Foundation also convinced the previous government to withdraw the draft law proposal introducing the new crime of "unintentional espionage", which could expose activists providing information about the domestic situation to EU institutions or foreign journalists to criminal liability.

DATA RETENTION AND STATE ACCESS TO DATA
(TELECOMS DATA RETENTION, STATE ACCESS TO CROSS-BORDER DATA)

EDRi's Belgian member, **the Liga voor Mensenrechten,** continued to *counter the general retention of metadata* by bringing a case against the Belgian Data Retention III law to the Constitutional Court. The first two versions of the data retention laws, which the Liga also took to court, were found to be unlawful by the Belgian Constitutional Court and the European Court of Justice. This is because both versions of the law permitted a general retention of metadata, which was found to be disproportionate. Despite this, the third data retention law again amounts to a general retention with its many differentiated layers and forms of retention.

EDRi's German member, **Gesellschaft für Freiheitsrechte** achieved the first decision in Germany concerning the use of **AI in the context of law enforcement**. The Constitutional Court ruled that data mining constitutes an infringement of fundamental rights and is only permissible for specific, limited purposes. As a result, the legal provisions allowing the use of Palantir Gotham in two German states by law enforcement authorities were found to be unconstitutional.

Mnemonic's continuous targeted pressure on social media companies through individual bilateral communication, joint open letters and campaigns (such as the Stop Silencing Palestine campaign), public communication and joint policy advocacy around the **Digital Services Act (DSA)** took effect. We saw companies like Meta increasing transparency of relevant policies, enabling scrutiny and improvement. This included updating Meta's data retention policy to acknowledge data retention for cooperation with Law Enforcement Agencies (LEAs), and setting recommendations by the Oversight Board to improve Meta's Dangerous Organisations and Individuals policy to remove blanket bans that cause over-removals.

Heise
www.heise.de

EU-Gesundheitsdatenraum: Ärzte befürchten sinkendes Vertrauen der Patienten

Tagesspiegel Background
background.tagesspiegel.de

EU erlaubt kommerzielle Ausbeutung von Patientendaten

iBestuur
ibestuur.nl

European Health Data Space gevaar voor medisch beroepsgeheim

HEALTH DATA
(EUROPEAN HEALTH DATA SPACE)

In 2023, EDRi started its work on the **European Health Data Space (EHDS)** proposal to ensure that it serves research purposes while also respecting **patient-doctor confidentiality** and protecting **people's private lives**. We did *joint advocacy with a group of 25 organisations* concerned about the EHDS. EDRi also provided digital rights training to one of the organisations, EURORDIS – Rare Diseases Europe – in Stockholm in May 2023.

EDRi's joint advocacy encouraged the S&D and Greens political groups to independently table amendments in the European Parliament's position on the EHDS, adding an opt-in requirement for the secondary use of data.

We also supported WeMove Europe, a pan-European campaigns platform, to *mobilise more than 112,000 people across Europe*. Through an **online petition**, the supporters pushed for an opt-in requirement for secondary health data use in the EHDS. In September 2023, we symbolically brought the voices of these people to Members of the European Parliament working on the legislation, including the Rapporteur. This mobilisation effort attracted excellent press coverage for an under-the-radar topic, highlighted below.

SUPERRR Lab challenged existing paradigms by bringing new perspectives and stakeholders to the discussion on health data legislations in Europe. Through their *work with a coalition of German organisations*, including the German AIDS Service Organisation, Chaos Computer Club and the Public Health Innovation Network, they pushed to amplify the voices of specially impacted **people like those living with HIV and people with disabilities.** Their open letter – signed by 28 organisations and 86 individual experts – received considerable media and political attention, calling for an objective debate to define social and technical requirements for a people-centred digital health care system.

EDRi, WeMove and partners hand over petition signatures

Credit:
Elio Germani

Telegram
www.telegram.hr

Europljani skupili sto tisuća potpisa, ozbiljno nezadovoljni novim EU propisom na kojem radi i HDZ-ov Sokol

Euractiv
www.euractiv.com

GDPR harmonisation could be key to unleashing health data's potential

EU Observer
euobserver.com

EU plans allow Big Tech to exploit your medical records, without permission

DATA PROTECTION ENFORCEMENT
(GDPR ENFORCEMENT)

Following action by the **Irish Council for Civil Liberties (ICCL),** the European Commission *will start regularly checking* the progress of all **"large-scale" GDPR cases** across the EU. The ICCL has previously criticised the lack of GDPR enforcement against Big Tech, and the European Commission's failure to monitor how the GDPR is applied. The European Commission has now committed to examining every large-scale GDPR case, everywhere in Europe. It will measure how long each procedural step in a case is taking, and what the relevant data protection authorities are doing to progress the case. The Commission will do this six times per year.

After ten years of litigation against the Irish Data Protection Commission, EDRi member **noyb** achieved a milestone in their work on GDPR enforcement when the *European Data Protection Board (EDPB) fined Meta €1.2 billion over EU-US data transfers.* Meta must stop any further transfers of European personal data to the United States, given that they are subject to US surveillance laws (like FISA 702). In addition to the huge fine, Meta must also return all personal data to its EU data centres.

In June, following a **noyb** complaint and litigation over inactivity, the Swedish Data Protection Authority (IMY) issued a fine of *58 million Swedish Crowns (about €5 million) against Spotify.*

On 11 December 2023, the *UK Court of Appeal found the Immigration Exemption in the Data Protection Act 2018 to be unlawful*. This is the second victory **Open Rights Group (ORG)** and **the3million** have secured in the courts on this issue, with **six judges finding the Immigration Exemption unlawful since March 2018.** The exemption, in Schedule 2 of the Data Protection Act, has been used by the Home Office and private companies working to control immigration to refuse requests by individuals for access to personal data held about them because it might "prejudice the maintenance of effective immigration control". The Court of Appeal gave the Government three months to fix its legislation. Given the proven expertise of Open Rights Group and the3million, the Home Office shared with them their draft for the new regulations, which addressed the court's concerns but still fell short of what was expected. Building on the court victories, the two organisations shared their briefing paper with Members of Parliament and the House of Lords to engage support from both Houses of Parliament. ORG's and the3million's

actions led to wide media coverage about this case, including in Forbes and Digit, with their press releases on the topic reaching over 1,000 views and their messaging over social media receiving over 55,000 views.

In Denmark, **PROSA, along with IT-Pol** and other organisations, are *protecting school students' data* from third parties. Before their intervention, 53 municipalities were illegally passing on their school students' data to Google. This landmark case for GDPR enforcement, known as the "Chromebook Case" is a push against the National Association of Danish Municipalities, who are trying to get the Danish Parliament to allow the illegal disclosure of school students' data to third parties like Google. The Danish Data Protection Authority has recently ordered the municipalities to stop this practice.

In Hungary, EDRi observer the **Hungarian Civil Liberties Union** actively responded to GDPR-based Strategic Lawsuits Against Public Participation **(SLAPP).** As a result, they *achieved two legal victories* on behalf of Forbes magazine. These cases involved legal action against the billionaire owner of a fertilizer company and the owners of the company manufacturing Hell energy drink, who maintain close ties to the government. These outcomes significantly advanced the principles of journalistic freedom and transparency in the country.

Moreover, the **Panoptykon Foundation** initiated a transparent procedure for the **election of the new Polish Data Protection Authority (DPA)**, which eventually led to the appointment of a competent and politically independent DPA as compared to the outgoing DPA elected in an opaque procedure in 2019.

Following **noyb litigation** and a Court of Justice of the European Union (CJEU) ruling on the legal basis for advertisement on Facebook ("Bundeskartellamt"), Meta switched their legal basis for data processing several times in 2023.

Check out the links and extra information in the online version of the Annual Report at edri.org

#PRIVACYCAMP23: CRITICAL. DIGITAL. CRISIS.

As part of our *annual flagship event Privacy Camp*, EDRi gathered policymakers, activists, human rights defenders, climate and social justice advocates and academics in Brussels to discuss the **criticality of our digital worlds in times of crisis.**

We welcomed **over 200 participants** in person and had an online audience of more than 600 people engaging with the event through live-streaming. During the event, we asked ourselves the following questions: How do digital technologies feed into and foster the multiple crises we inhabit? What do we need

to consider when approaching the digital as a critical resource that we should nurture, so as to promote and protect rights and freedoms? Key sessions revolved around the climate crisis, and looked into developing **digital infrastructures for the planet**, as well as understanding the climate crisis as a key digital rights issue. Another highlight of the day was the recurring **EDPS - Civil Society Summit** hosted every year within Privacy Camp. In 2023, this focused on spyware, the national security complex and the role of data protection authorities.

Privacy Camp 2023 took place at La Tricoterie in Brussels, Belgium

Credit:
All photos are licensed under CC-BY 4.0 European Digital Rights.

OPEN INTERNET AND INCLUSIVE TECHNOLOGY

Our work on open internet and inclusive technologies involves a commitment to making new digital technology and the internet stick to the promise they were built on: equal access to knowledge, openness and connection. The ubiquity of technologies has brought opportunity for progress. However, access to digital technology is vastly unevenly distributed. Technology, especially when relying on artificial intelligence, and location and biometric data, can amplify social, racial and environmental injustices. We work to bring back the original purpose of an open internet and enable inclusive, sustainable technologies that work for all.

ARTIFICIAL INTELLIGENCE
(AI ACT, BIOMETRIC MASS SURVEILLANCE)

2023 was a critical year for EDRi's work on the EU's AI Act, with the law undergoing several key votes and ultimately being finalised for adoption. In the first few months of the year, collective advocacy by the **AI coalition, including Access Now, AlgorithmWatch, Bits of Freedom, the European Disability Forum, the European Center for Not-for-Profit Law, Fair Trials, the Panoptykon Foundation and PICUM,** was focused on the European Parliament as it finalised its position.

During this time, we influenced the development of compromises on the AI Act in the European Parliament before the Parliamentary Committee vote. The AI Act coalition contributed to technical meetings on all of our core issues and fine-tuning articles in direct cooperation with the negotiators in the Parliament. The coalition also responded to some reactive threats brought on by Big Tech lobbying and industry-led think thanks, such as changes in the Article 6 risk classification process and a potential negative approach to general-purpose AI systems.

We continued mobilising via our Europe-wide campaign *Reclaim Your Face (RYF)*, supported by a diverse group of 80 civil society organisations from across Europe. Our collective advocacy efforts brought us over 1800 press mentions, including in top media like *France 24*, *Euronews*, and *CNN International*, as highlighted below.

In May 2023, the European Parliament's Committee on the **Internal Market and Consumer Protection (IMCO) and Committee on Civil Liberties, Justice and Home Affairs (LIBE)** *sided with civil society demands* and requested limits to be put to unacceptable uses of AI, including predictive policing systems, many forms of emotion recognition and biometric categorisation systems, and biometric identification in public spaces. This committee vote came at a crucial time for the global regulation of AI systems and represented a **massive win** for our fundamental rights and for the work led by the AI coalition.

European Artificial Intelligence and Society Fund

"EDRi's advocacy and civil society coordination efforts resulted in the European Parliament widely adopting civil society proposals in the European Parliament 's position on the AI Act."

France 24
twitter.com

Regulating Artificial Intelligence

Euronews
www.euronews.com

As AI Act vote nears, the EU needs to draw a red line on racist surveillance

CNN
www.youtube.com

The AI debate: EU lawmakers move closer to new regulation.

CNN
www.youtube.com

The AI debate: EU lawmakers move closer to new regulation.

Context
www.context.news

Unchecked AI will lead us to a police state

In June 2023, thanks to our Europe-wide Reclaim Your Face campaign, **we took the voices of over 250,000 supporters** to EU lawmakers to demand a ban on biometric mass surveillance and an AI Act that puts people before profits.

Following this, the *final European Parliament position upheld all of the fundamental rights demands* of civil society that were pushed by our AI Act coalition. However, the Parliament disappointingly missed the opportunity to increase protections when it comes to empowering people affected by the use of AI and respecting the rights of migrants, refugees and asylum seekers.

At the European level, our strong mobilisations and advocacy efforts were successful in countering aggressive attempts by the centre-right EPP party to overturn the agreement on banning most forms of biometric surveillance. As a result, the European Parliament acted upon the demands of our supporters to keep our public spaces free of facial recognition and other biometric mass surveillance systems.

In the run-up to the inter-institutional negotiations, Italian EDRi member, Hermes Center, *launched a campaign, "Don't Spy EU"*. Through this campaign, they made EU lawmakers feel the heat of getting scanned with face recognition algorithms to urge them to ban remote biometric identification in the AI Act.

Ahead of the trilogues, EDRi published a statement, setting a high-level agenda from civil society for the negotiations. We also reached out to the **permanent representation of EU Member States** in Brussels and to the **national ministries** on topics such as AI definition, high risk classification and national security.

On 8 December 2023, after a gruelling negotiation process, EU lawmakers finally clinched a deal on the AI Act. Despite our tireless advocacy over the years, the *final law leaves much to be desired* - whilst **some key fundamental rights protections have been won, the overall Act has not lived up to its potential** to put people and their rights front and centre.

In a proud moment for us, EDRi's (now ex) Senior Policy Advisor, **Sarah Chander,** was named by **TIME magazine as one of the top 100 people shaping AI globally** as part of their TIME100 AI list. This was a great recognition for Sarah's vision and dedication in leading EDRi's work on the AI Act over the past three years.

One of the few positives from the final AI Act was the adoption of the obligation of fundamental rights impact assessments. The advocacy of the **European Center for Not-for-Profit Law (ECNL) was critical for this.** Together with EDRi's AI core group, they successfully convinced EU policymakers to introduce mandatory fundamental rights impact assessments for all public authorities and some private companies. While the text has been watered down in the final version of the legislation, especially for law enforcement and migration authorities, the mere fact that this obligation has been adopted gives us an entry point to ensure that AI systems will be used in a responsible and rights-based manner.

EDRi members also continued to rally against biometric mass surveillance in their countries.

In **Belgium**, **Liga voor Mensenrechten** and **La Ligue des droits humains** mobilised 1,142 people to petition the Brussels Parliament for a ban on facial recognition. The petition was launched with a coalition of eight organisations. This effort aimed to prevent the legalisation of this technology which would hinder rights and freedoms, especially those of marginalised groups. The petition successfully crossed the threshold required to have a hearing at the Brussels Parliament, which took place in June 2023. Negotiations are currently ongoing to determine if the Parliament will vote on a resolution to ban the use of live facial recognition in *Brussels' public spaces*.

Iuridicum Remedium revealed that *police in the* **Czech Republic** uses a facial recognition tool, doing so in a non-transparent manner and potentially illegally. They drew on their experience from the Reclaim Your Face campaign for this critical work. These revelations received attention from many Czech and international media.

In 2023, **France** *became the first EU country to explicitly legalise AI surveillance* through the Olympic Games 2024 law. Even though our efforts couldn't prevent this, **La Quadrature du Net (LQDN), together with ECNL, Amnesty France and 34 civil society organisations** were active in countering this law, and we managed to generate **widespread criticism.** Thanks to LQDN's active campaign a large number of our arguments against mass surveillance were echoed by some Members of Parliament during the debate. We also witnessed a **narrative change** in the public space as journalists used LQDN's wording of "vidéosurveillance automatisée" (automated video surveillance) that visualises the threat of AI surveillance, instead of the protection-framed term "vidéoprotection intelligente" (smart video protection).

Delivery of "ReclaimYourFace" petition Brussels, Belgium
Credit:
CC4.0 European Digital Rights

Ella Jakubowska,
Head of Policy,
European Digital Rights

"We are all less safe when our behaviours, faces and bodies are being surveilled and profiled as we move around public spaces."

To bring light to the severe social consequences of mass biometric surveillance globally, **SHARE Foundation published a book** titled *"Beyond the Face: Biometrics and Society"*. The book is a **comprehensive study** on the use of biometric surveillance systems worldwide and dives into the conflict between fundamental human rights and the profit-driven biometric surveillance industry. The book was promoted to lawmakers, activists and civil society in Berlin and Brussels in December 2023.

In **France**, La Quadrature du Net (LQDN) *uncovered* the use of **discriminatory scoring algorithms in the French welfare system.** After running a thorough investigation and publicising the results, the media reported widely about the dangers of these algorithms. As a result, elected representatives and the French Data Protection Authority raised their concerns, initiating a critical debate on the French welfare system.

In **Italy,** along with other civil society partners, Hermes Center published *a policy guide for the creation of a government-level AI Authority.* Through this, they are **bringing attention to institutional and civil society demands** for a human-rights-focused use of AI.

Working with a number of other groups, **Statewatch** *developed **a guide on messaging and framing** for groups seeking to challenge the militarisation of borders and border violence.* The publication aims to provide a shared set of messages and narratives that can be used by organisations across Europe to bring more coherence to the struggle against border militarisation and border violence. The intention with this report was not to generate any particular immediate impact, but rather to provide a long-term resource that will help bring coherence to the messaging used by different groups in the longer term.

Thanks to the efforts of **Digital Society**, part of the Reclaim Your Face campaign, in the cities of Zurich, St. Gallen and Lausanne, as well as in the canton of Basel-Stadt in Switzerland, the Parliaments have *adopted* **motions to ban facial recognition**. Similar initiatives are still being processed in the cities of Lucerne and Geneva as well as in the cantons of Zurich and Basel-Landschaft.

In t**he Netherlands,** EDRi member **Bits of Freedom** *refuted VU Amsterdam's analysis of algorithmic discrimination*, following a complaint by student Robin Pocornie. The **proctoring software** she used during COVID-19 didn't recognise her due to her dark skin, hindering her exams. This case highlighted the harmful side of facial recognition and motivated Bits of Freedom to continue to provide their tech expertise for activists and non-digital rights NGOs through their "tech help desk".

"We [...] look at AI systems not just as infrastructure or services, but as a whole system that fits into the social fabric of our society."

Sarah Chander,
(ex) Senior Policy Advisor,
EDRi

SURVEILLANCE OF MIGRANTS
(EURODAC, "PROTECT NOT SURVEIL" CAMPAIGN)

In December 2023, **EDRi** joined forces with more than 110 civil society organisations to protect the rights of migrants. *We called on EU policymakers* to end the expansion of **EURODAC,** the EU database for the registration of asylum seekers, which is being expanded to enforce the **EU's discriminatory and hostile asylum and migration policies.**

Gesellschaft für Freiheitsrechte (GFF)'s advocacy efforts in Germany to ensure that **data retention and analysis from migrants' cell phones** should be possible only in limited circumstances successfully resonated with the German Federal Administrative Court - particularly when no other sources of information are viable.

In February 2023, a sub-group of **EDRi partners (led by Access Now, EDRi, PICUM and Refugee Law Lab)** launched a dedicated campaign, *#ProtectNotSurveil*, focusing on **the rights of people on the move and migrants under the AI Act.** #ProtectNotSurveil now consists of 17 organisations and its impact has been manifold: it created a new narrative around the use of AI in the migration context; it further exposed the double standards and inherent racism of EU digital policies; and it created a new civil society movement that encompasses digital, migrant and human rights organisations.

Specifically for the AI Act, it developed amendment recommendations related to harmful AI practices in the migration context, and high-risk AI systems in migration and the EU's migration databases. The coalition met with the AI Act Rapporteurs and other MEPs to call on the European Parliament to ensure protections of fundamental rights are extended to people on the move and migrants.

#ProtectNotSurveil coalition visiting the European Parliament

Negasi, a young man in his twenties from Ethiopia, living without immigration status in Brussels, Belgium, quoted in EDRi report "Technological Testing Grounds", 2020

"How can I say no when the police handcuffed me, brought me to the station, and forced me to give them my fingerprints?"

DIGITAL IDENTITY AND EXCLUSION
(DIGITAL EURO, RIGHT TO CASH, EIDAS REVISION)

The EDRi network welcomed and articulated its *position* on the **EU Right to Cash proposal** as a crucial measure to protect and restore access to privacy-preserving payment options. Together with our members, we argued in favour of the proposal to ensure the availability of cash as the default, most inclusive, and privacy-preserving means of payment in Europe.

epicenter.works *has secured non-discriminatory protections* for those not using the **European Digital Identity system (eIDAS)**, thereby protecting the elderly and people without smartphones or without legal ID. Thanks to their work, the eIDAS ensures privacy-by-design and transparency protections for users, allowing for a trusted ecosystem in which tracking and profiling are left to a minimum. Additionally, companies using the system were put under a strict use-case regulation that provides transparency about what they are allowed to ask from users. epicenter.works were also successful in preventing a unique persistent identifier that would have been a huge tracking nightmare. While the law is not perfect and many privacy safeguards will depend on delegated acts and national implementation, the basis of eIDAS gives us a fighting chance for a Digital Public Infrastructure in Europe that respects our human rights.

Iuridicum Remedium (IuRe) brought much-needed attention to the issue of **digital exclusion in the Czech Republic**. Together with the Constitutional Law Committee of the Senate of the Czech Republic, IuRe organised a seminar in June 2023 on digital exclusion. They also submitted a Senate proposal to enshrine the right to analogue in the Charter of Fundamental Rights and Freedoms. People who, for various reasons, did not want to or could not use digital devices, found themselves unable to use several services. They specifically highlighted issues people face when trying to access public transportation, discounts at supermarkets and communicating with public authorities.
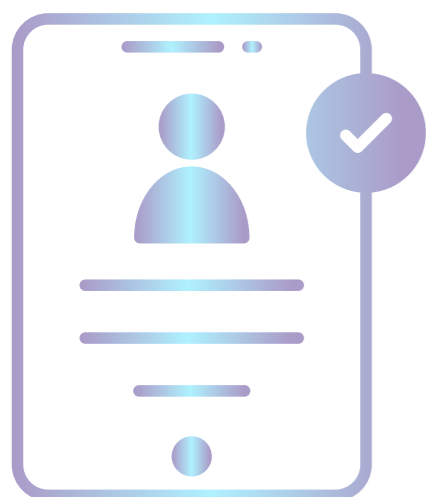
FREE SOFTWARE
(CYBER RESILIENCE ACT)

The Free Software Foundation Europe (FSFE) started the *Device Neutrality* initiative to raise awareness about the increasing loss of end-user control over devices and how to re-empower them. As a result, they published studies on issues affecting end-users, monitored and reported on affected regulations, and intervened as a stakeholder in several regulatory processes around Europe, including Germany, Belgium and Greece. Furthermore, the FSFE is now a watchdog in the enforcement phase of the Digital Markets Act (DMA).

In the Cyber Resilience Act (CRA) and the Product Liability Directive (PLD), *the FSFE has been advocating* for exemptions for individual Free Software developers and non-profit solutions, while liability is transferred to those who significantly financially benefit from it on the market. The legislators have largely complied with their demands, significantly improving the European Commission's proposal with a broad exemption for Free Software. Their efforts also helped to ensure that decision-makers in EU institutions have a better understanding of Free Software and its various stakeholders, which will be useful in future debates.

NET NEUTRALITY AND TELECOMMUNICATION

Together with a wide coalition of NGOs, public broadcasters, industry, regulators and many other actors, epicenter.works *prevented* the adoption of legislation that could have undermined the founding principle of the open internet: net neutrality. Additional network fees in the name of a "fair share" would have had huge negative effects on everyone except big telcos. To address that, epicenter.works increased the affected stakeholders' participation in the policy process through their guide to the European Commission's public consultation.

2.3 INFORMATION DEMOCRACY

The current Big Tech business model and oppressive state deployment of technology have been amplifying societal injustices, creating dangerous power imbalances that harm people's freedom of expression and freedom to access information. This negatively impacts our democracy. EDRi works to tackle the toxic surveillance-based business models and thereby ensure that people have control over their digital life.

"[EDRi's] successes in many key digital policies over the last years, like the GDPR or the DSA, are also a success for our society as a whole."

Margrethe Vestager,
Executive Vice President of the
European Commission

PLATFORM REGULATION (DSA, DMA)

In 2022, the EU passed two landmark laws to regulate online platforms - the **Digital Services Act (DSA) and Digital Markets Act (DMA).**

After the adoption of the DMA, EDRi participated as a **panelist in three of the European Commission's four DMA stakeholder workshops.** These workshops focused on interoperability between messaging services, data sharing by gatekeepers, and app store freedom. This participation helped establish EDRi as a key stakeholder in the DMA and related competition policy debates.

In June 2023, **EDRi also spoke on several panels at the first DSA stakeholder event organised by the European Commission in Brussels.** This event provided an opportunity to influence the Commission before the enforcement of the DSA and to network with platform representatives and policymakers.

In autumn, EDRi coordinated a **response to the European Commission's public consultation on transparency reporting requirements** under the DSA. The response identified a number of crucial improvements to the reporting regime needed to ensure that the information provided by very large online platforms will be meaningful.

In cooperation **with HateAid,** EDRi has created a **guide on how to designate trusted flaggers** that aims to inform DSCs (national Digital Service Coordinators) in their decision-making and, more importantly, standard-setting. The non-public guide has been shared with DSCs in bilateral conversations.

To support civil society's efforts on the DSA, **EDRi created and will maintain the** *Digital Services Coordinators Database*, which collects both public information about the 27 DSCs, as well as valuable non-public intelligence about their activities. The database features a login-only area for trusted civil society organisations to benefit from and contribute to the database's non-public data.

The European Center for Not-for-Profit Law (ECNL) *jointly published* a report with Access Now on the human rights impact assessment in the Digital Services Act (DSA). This report contributed timely and relevant recommendations to the European Commission's DSA Enforcement team scrutinising very large online platforms. As a result of this work, the Commission acknowledged the need for more guidance on risk assessments and committed to developing guidelines in this regard.

Thanks to the **"Recommender Systems Task Force"** structure set up by the EDRi member in Poland, the **Panoptykon Foundation**, we have seen the positive impact of **coordinated research and advocacy** on the European Commission's DSA enforcement. Within this framework, we moved from mapping and exposing harmful consequences related to recommender systems to being one of the first voices developing positive solutions and shaping mitigation measures to be enforced under the DSA. Panoptykon also gathered *additional evidence* showing tangible harm to mental health related to the functioning of Facebook's recommender system and indicating the platform may be violating its new obligations under the DSA. Finally, thanks to a *"Better newsfeed is possible" campaign* (a stunt on the streets of Warsaw), civil society's DSA and platform-related narratives became mainstream in Poland.

In relation to the DMA, **the international EDRi member ARTICLE 19** provided their valuable **competition experience** to fill a gap by building civil society capacity through training. In 2023, they held the first *DMA Enforcement Symposium* in the form of a "closed session" with select academics, Commission officials and some selected CSOs and associations. These efforts laid the foundations for civil society participation in the enforcement of the law, supporting the European Commission's efforts to "tame Big Tech".

Together with organisations working on anti-racism, climate change, women's rights and the rights of migrants and undocumented people, EDRi member in the Netherlands, **Bits of Freedom**, explored how Big Tech platforms hinder their work, what the DSA has to offer, and what action needs to be taken in order for the DSA to actually make a practical difference in their day-to-day lives. As a result, they initiated an **action-research project** that will ensure activists, journalists and NGOs know their rights and are able to exercise them effectively. The project evolved into a work programme involving technical research, legal action and campaigning, to be implemented in 2024, that will offer targeted and effective action to improve enforcement of the DSA.

Mnemonic raised awareness and advocated against **increasingly restricted general Application Programming Interface (API)** access by social media companies, which jeopardises open-source human rights investigations (e.g. Twitter's API financial limitations). Through the DSA, Mnemonic's advocacy put additional pressure on platforms to provide alternative APIs.

The European Sex Workers Rights Alliance brought much-needed attention to the enormous impact digital platforms have on an often ignored vulnerable group – sex workers. Through a research paper, they examined the effect of platformisation of work on the working conditions of sex workers, while pinpointing the close-knit relationship between the sex workers' rights movement and the gig economy.
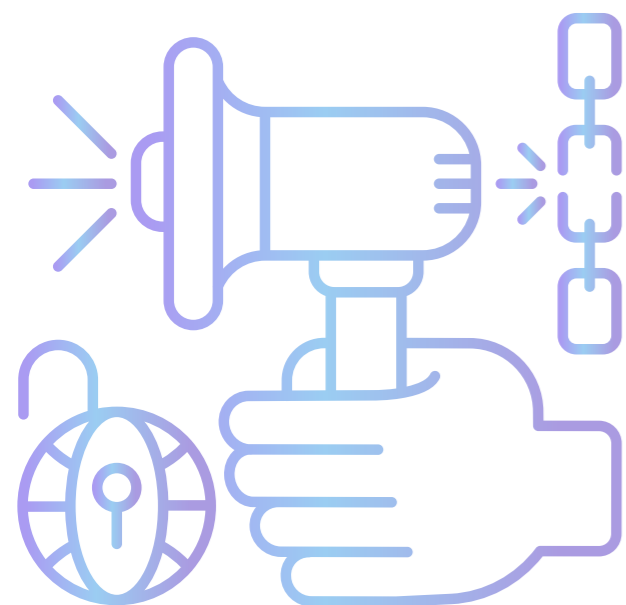
FREEDOM OF EXPRESSION AND INFORMATION
(POLITICAL ADVERTISEMENT REGULATIONS, DISINFORMATION AND INTERNET THROTTLING, EU TERRORIST REGULATION AND COPYRIGHT REGULATION IMPLEMENTATION, EUROPEAN MEDIA FREEDOM ACT, GENDER-BASED VIOLENCE DIRECTIVE)

Throughout the **European Media Freedom Act (EMFA)** legislative process, *ARTICLE 19* and *Electronic Frontier Foundation* played an active role in providing legal guidance and helping to bring disparate groups together as part of a wider coalition of civil society, journalism and broadcasting associations. As a result, important digital rights issues related to the EMFA law - such as those concerning **content moderation** - received public attention and resonated with MEPs ahead of the final voting on the legislative proposal.

Mnemonic invested a lot of effort in building content moderation capacities, implementing **activities on content moderation and social media takedowns**. They also contributed to the production of *a documentary with the BBC* about social media takedowns. In addition, Mnemonic organised **training sessions** for their staff with Meta and Google on community guidelines and terms of service.

In Germany, **SUPERRR Lab** pushed to put the labour rights of content moderators on the political agenda, a topic that is largely ignored. **Content moderators work** in appalling conditions, with inadequate pay and a lack of psychological support for their mentally draining work. To focus on their needs and struggles, SUPERRR Lab co-organised two Content Moderators Summits in Kenya and Germany, which resulted in the formation of the first Content Moderators' Union (Kenya) and the elections of the first Work Council in a company employing content moderators (Germany). In June 2023, they successfully advocated for a hearing on content moderators' working conditions in the German Federal Parliament's Committee for Digital Affairs, linking the issue to the enforcement of the DSA.

On the **Gender-based Violence Directive**, the EDRi network made key alliances with **feminist organisations** based outside of the Brussels political bubble. Along with strong policy analysis, we successfully placed several recommendations in the European Parliament's position.

EDRi member in Turkey, **Alternatif Bilisim**, is one of the co-founders of the **Free Web Turkey alliance**, and in mid-2023, the alliance issued an *extensive report* on **internet censorship in Turkey**. After the release of this report, a huge public campaign was organised to amend the laws that facilitate the sanction of state authorities. As a result of the campaign, VPN demand increased by 99% in the country. This shows that more people are becoming aware of rights violations and finding ways to circumvent them in an authoritarian setting.

Additionally, Alternatif Bilisim mobilised other digital rights organisations in Turkey to contribute to the *Balkan Insight Report*, shedding light on Turkey's digital rights ecosystem. This contribution and coalition work were successful in facilitating digital rights advocacy on a transnational and regional level. The long-term impact of these efforts will result in building further alliances and enabling knowledge exchange in similar authoritarian contexts. What's more, such an alliance can push for accountability for governing bodies.

In **Slovenia**, Državljan D's work on **state advertising transparency** led to the development of a state advertising transparency depository, which is being used by the government offices to report their advertising spending. Since 2020, Državljan D have been analysing and warning about misuse of public funds via government advertising contracts to finance propaganda outlets related to right-wing political parties. Their research on this was used by the EU Commission to draft the European Media Freedom Act, passed by the EU in late 2023. They also developed recommendations for the local government, now being used as guidelines, to address the issues of opaque government media purchases and the lack of transparency and consistency in this area.

Through their contribution to *research on Disparate Content Moderation*, the **European Sex Workers Rights Alliance (ESWA)** shed light on another form of technology-facilitated violence: **image-based sexual abuse (IBSA).** Based on interviews with 52 adults in Europe – including 23 sex workers – the report identified the various motivations and methods for sharing intimate images. The ESWA also provided recommendations for online platforms to implement in order to create safer online environments and help tackle image-based sexual abuse in a rights-affirming manner. This critical research could open space for further conversations between online platforms, policymakers and impacted groups.

OUR FINANCES

EDRi continues to ensure transparency and accountability in its financial operations. We strive to maintain a stable financial environment for our operations and programmes to thrive and deliver their full potential. To increase its resilience, EDRi focuses on a diversification of income sources.
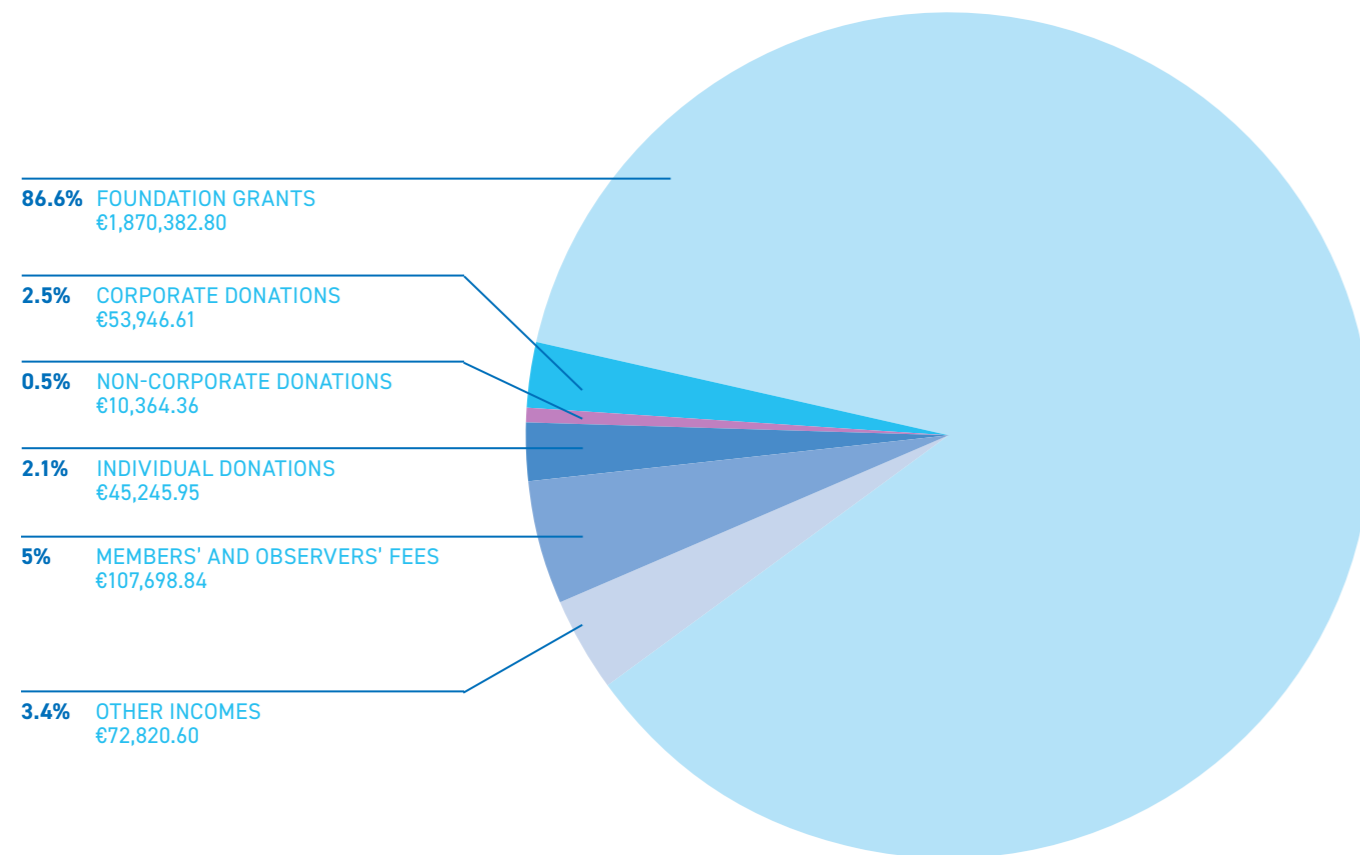
INCOME

EDRi's total income grew from € 1,874,099 in 2022 to € 2,160,459 in 2023

In 2023, EDRi's income exceeded €2 million for the first time in its 20-year history. This excellent result was made possible thanks to the generous multi-annual grants from our long-term foundation partners. We extend our sincere gratitude to our longest-existing funder, the Open Society Foundations - as well as to the Ford Foundation, the Adessium Foundation, the Democracy & Media Foundation, Luminate / The Omidyar Network, Civitates, Limelight Foundation, The European Artificial Intelligence & Society Fund, Stiftung Mercator and the MacArthur Foundation.

During the year, EDRi also welcomed new funders on board, such as the Network of European Foundations, and the Goeie Grutten Foundation.

EDRi receives funding in a range of different ways, with grants from foundations generating the highest proportion of its income. Nearly 20 foundation partners provided funding to help EDRi advance its mission and serve as a backbone of the digital rights movement in Europe in 2023. The other funding streams include funding received from corporate and non-corporate donors, the annual fees of EDRi network members and observers, and donations received from individual donors.

86.6% FOUNDATION GRANTS
€1,870,382.80

2.5% CORPORATE DONATIONS
€53,946.61

0.5% NON-CORPORATE DONATIONS
€10,364.36

2.1% INDIVIDUAL DONATIONS
€45,245.95

5% MEMBERS' AND OBSERVERS' FEES
€107,698.84

3.4% OTHER INCOMES
€72,820.60

Corporate and non-corporate donations were generated to a certain extent as a sponsorship of the 11th edition of EDRi's flagship event, the 2023 Privacy Camp conference. We're grateful to nordvpn, Tech Hive Advisory, Vivaldi Technologies, Qwant, the Mysterium Network and the Electronic Privacy Information Centre, as well as to the long-term general event partner, the European Data Protection Supervisor.

INCOMES 2023

MEMBERS' AND OBSERVERS' FEES	**€107,698.84**
INDIVIDUAL DONATIONS	**€45,245.95**
NON-CORPORATE DONATIONS	**€10,364.36**
European Data Protection Supervisor (EDPS)	€9,900.00
Electronic Privacy Information Center (EPIC)	€464.36
CORPORATE DONATIONS	**€53,946.61**
DuckDuckGo	€46,436.03
nordvpn	€5,000.00
Tech Hive Advisory	€500.58
Vivaldi Technologies	€500.00
Qwant	€500.00
Blockdev / Mysterium Network	€500.00
Ahu Holding	€250.00
QUIBIQ	€200.00
Netsend	€60.00
FOUNDATION GRANTS	**€1,870,382.80**
Luminate / The Omidyar Group	€334,106.93
Open Society Foundations	€310,972.87
Ford Foundation	€191,929.50
MacArthur Foundation	€170,364.60
Civitates	€137,577.90
Network of European Foundations	€132,000.00
European Artificial Intelligence & Society Fund	€126,219.55
Adessium Foundation	€112,500.00
Limelight Foundation	€67,500.00
Stiftung Mercator	€67,474.39
Omidyar Network	€65,197.91
Democracy and Media Foundation	€46,917.62
Goeie Grutten Foundation	€36,400.00
Digital Freedom Fund	€27,302.79
Internet Society (ISOC)	€18,436.75
Global Dialogue / Ariadne	€9,388.99
Green Web Foundation	€9,325.00
SHARE Foundation (SEE project)	€6,768.00
OTHER INCOMES	**€72,820.60**
Other incomes	€8,258.41
Sub-renting of the office and related costs	€64,562.19
TOTAL OPERATING INCOME	**€2,160,459.10**

EXPENDITURE

EDRi's total expenditures grew from €1,702,578 in 2022 to €2,041,795 in 2023.

EDRi's direct and indirect programme expenses as well as its core mission expenses increased hand-in-hand with the steadily growing income.

The largest part of expenditures was allocated towards advocacy work, which increased to 33%, followed by campaigns and communications (25%) and EDRi network development (18%). EDRi keeps its expenses on human resources, finance and administrative management as low as possible, maintaining them on the same level (18%). The fundraising-related expenditures reached 6%.

The EDRi team consisted of 17 staff members and one student worker by the end of 2023.

In addition to knowledge-sharing, community building and collective work, EDRi was able to continue providing regular financial support to the network members via its internal donation scheme. The provided funding reached €53,000 in 2023, primarily supporting work on safeguarding of encryption on a national level and the organisation of various decentralised events.

EDRi pursued its efforts to increase its long-term financial health through building and maintaining an operating reserve fund and a designated Social Reserve Fund. By the end of 2023, the operating reserves were equal to nearly 4 months of operations.

HUMAN **18%**

DIRECT PROGRAMME EXPENSES

33% ADVOCACY WORK
€664,325.00

18% NETWORK DEVELOPMENT AND GOVERNANCE
€380,559.00

The main events of 2023 were the Privacy Camp, the 20th anniversary event and the "Encryption in the Age of Surveillance" event, all taking place in Brussels. In addition, the EDRi network annual General Assembly took place in Belgrade, Serbia.

EXPENSES 2023

CORE MISSION SUPPORT

Human resources, finances and administration, office expenses   €375,088.00

INDIRECT PROGRAMME EXPENSES

Fundraising   €116,103.00
Campaigns and communications   €505,720.00

DIRECT PROGRAMME EXPENSES

Network development and governance   €380,559.00
Advocacy work   €664,325.00

IN TOTAL: **€2,041,795.00**

CORE MISSION SUPPORT

HUMAN RESOURCES, FINANCES AND ADMINISTRATION, OFFICE EXPENSES   **18%**
€375,088.00

INDIRECT PROGRAMME EXPENSES

FUNDRAISING   **6%**
€116,103.00

CAMPAIGNS AND COMMUNICATIONS   **25%**
€505,720.00
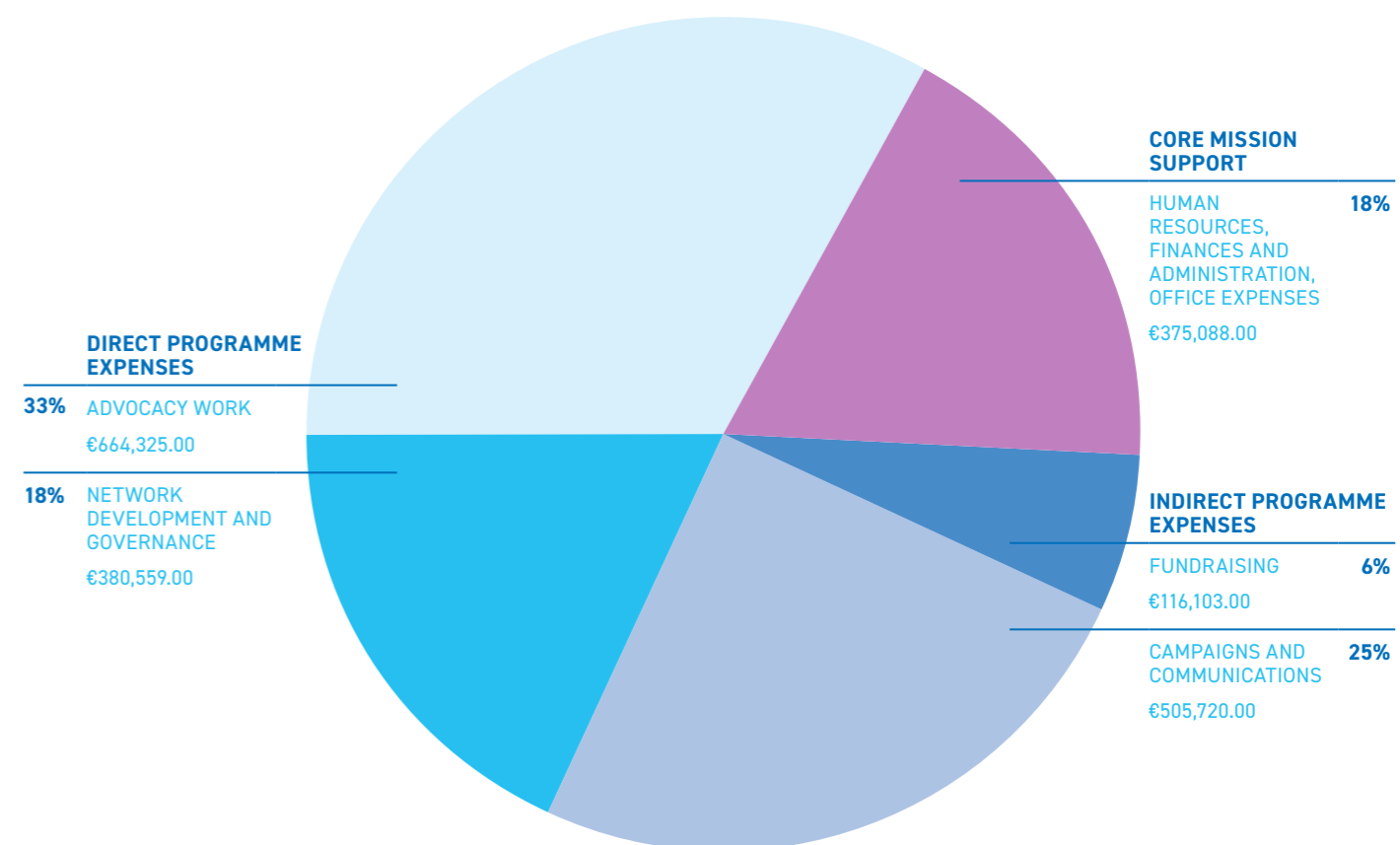
www.edri.org

European Digital Rights (EDRi) is the biggest European network defending rights and freedoms online.

We promote, protect and uphold human rights and the rule of law in the digital environment, including the right to privacy, data protection, freedom of expression and information.

Help us protect human rights and freedoms in the digital age through a monthly donation.
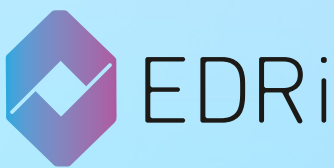
EDRi

European Digital Rights

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