

Internet and Human Rights
60th anniversary of the Universal Declaration of Human Rights

Break-out session, 4 September 2008

UNESCO, Paris, room I

- Summary of the discussion -

Rapporteur: Constance Bommelaer

The 61st Annual Conference of Non-Governmental Organizations (NGOs) associated with the United Nations was held in Paris at UNESCO Headquarters from the 3rd to the 5th of September 2008. This was the first time it took place outside the UN Headquarters in New York.

To mark the **60th anniversary of the adoption of the Universal Declaration of Human Rights** (UDHR), this year's conference was entitled "[Reaffirming Human Rights for All : The Universal Declaration at 60](#)". It was organized in partnership with UNESCO, the Office of the High Commissioner for Human Rights and the Government of France.

The conference aimed to highlight effective ways in which the Civil Society and the Internet technical community can contribute to the advancement of human rights at the international, national and local levels. The objective will be to generate greater awareness of human rights issues and strengthen commitments to address them among diverse stakeholders worldwide. In addition to representatives of NGOs, Civil Society organizations, grassroots constituencies, the UN System and Member States, representatives of the media, academia, the private sector and other institutions were also present. The conference provided many opportunities to engage participants to share experiences and articulate perspectives on how to enhance their activities in the protection and promotion of human rights. The program included roundtable panel discussions and break-out sessions, interactive dialogues, workshops, caucuses and other activities.

ISOC, as chair of UNESCO's Joint Programmatic Commission on Communication, was asked to coordinate the "**Internet and Human Rights**" break-out session which was held the 4th of September 2008. This session followed the high-level roundtable on "Human Rights and Human Security".

This break-out session was structured around three questions addressed by the different panelists. An interactive debate then followed with the audience.

Speakers

- Chair and Rapporteur: Constance Bommelaer, Internet Society, Senior Manager of Public Policy
- Moderator: Divina Frau Meigs, University Sorbonne nouvelle, Professor, Focal point of the WSIS Taskforce on “Education, Academia and Research”, ex-vice-president of IAMCR

Keynote speakers:

- Marc Knobel, CRIF - International Council of Jewish Women, Researcher
- Divina Frau-Meigs, University Sorbonne nouvelle, Professor Focal point of the WSIS Taskforce on “Education, Academia and Research”, ex-vice-president of IAMCR
- Boyan Radoykov, UNESCO, Program Specialist
- Catherine Souyri-Desrosier, French Commission for UNESCO, Advisor

Questions:

- **As the Internet expands, what are the core principles (freedom of expression, access, diversity, etc.) that must be respected? What are ethics in the information society?**

The underlying question here is the following: are the existing fundamental principles such as those asserted in the UDHR meant to be implemented in the cyberspace ?

Today, we can consider that the **Internet has reached a new phase**, more commercial, with an increased ownership logic. The Internet, as a medium, has grown-up. Those who offer products, vehicle ideas, opinion leaders or even badly intentioned individuals, have a better understanding of how to use this tool. Hence, the evolution of the Internet generates ambivalent feelings: if this tool continues to offer fabulous opportunities, if its catalyzing role for educational, cultural, economic and social development is widely acknowledged, it is also understood that it can be used to generate threatening behaviors for peoples’ freedoms or security (e.g. racists or anti-Semitic messages encouraging individuals to violence, extreme activism, pedo-pornography, etc.) In this new phase, the principles and **the freedoms asserted in the UDHR still demonstrate their relevance and their force.**

It is obvious that the principles asserted in the UDHR are equally applicable in cyberspace. However, in order to keep their relevance and demonstrate their continuing modernity, it must be considered that these rights are evolving, that ethics too are adjusting to new circumstances - i.e. they continue their development on an on-going basis, at the pace of the media’s ecosystem. Human rights mustn’t be crystallized, or there is a risk they will end up as a dead ideology, disconnected from reality.

As opposed to morals, ethics are the result of a practical and intuitive process (bottom-up), which provides answers and guidance on how to deal with concrete imperatives and choices. Following the same logic, **the method to evolve ethics in**

cyberspace must involve users, Civil Society and the Internet technical community. As a first step, technologies and their impact on users must be understood. As a second step, values, rights and principles, echoing universal principles should be determined. As an example, the development of the commercial Internet over the past decade has raised awareness among governments and users on the necessity of protecting personal data on the Internet; this protection is nothing but the continuity of an existing right, the right to privacy.

Hence, the rapid development of experience in cyberspace has made clear **the relevance of the existing fundamental principles**, and more specifically of those listed in the *Universal Declaration of Human Rights*:

Article 12: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, not to attacks upon his honor and reputation."

Art. 18: "Everyone has the right to freedom of thought, conscience and religion."

Art. 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless frontiers."

Art. 26: "Education shall be directed to the full development of the human personality and to strengthening of respect for human rights and fundamental freedoms."

Art. 27: "Everyone has the right to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."

Because the Internet is global in nature, the discussion must be extended and include all the information society's stakeholders. In this spirit, the French Commission for UNESCO's work has actively contributed to defining what ethics in the information society are. The [conference it organized in September 2007](#), in partnership with UNESCO and the Council of Europe was the occasion to bring together, **in a multi-stakeholder debate, decision makers from the public and the private sector in order to identify the fundamental basis of these ethics**: human dignity and autonomy, solidarity and social justice. During this conference, [the Internet Society \(ISOC\)](#) had the opportunity to remind participants how the fundamental principles that guide the Internet's development are embedded in those guaranteed by the UDHR. Indeed, Openness, Accessibility and Neutrality can be used as guarantees for the development of the following individual and collective Abilities: the ability to connect, to communicate, to innovate, to share and to choose.

Finally, [UNESCO plays a central role](#) in leading the debate on ethics in the information society, as set in the mandate it was assigned in the [Action Plan](#)¹ concluding the two phases of the World Summit for the Information Society (WSIS). In a very detailed methodological survey, it has identified the ethical implications of new technologies². Based on this mission, UNESCO is now trying to **take the debate**

¹ Action Line C10 Ethical dimensions of the information society: "The Information Society should be subject to universally held values and promote the common good and to prevent abusive uses of ICTs."

² [Ethical implications of Emerging Technologies : A Survey](#), UNESCO, Communication and Information Sector, Paris, 2007

one step further: from a multi-stakeholder discussion to a common and written definition of what ethics in the information society are (see question 3).

- **Freedom of expression in the cyberspace: can this right be limited by other fundamental principles or because of security imperatives?**

The burning issue is the following: can anything be said on the Internet? Can freedom of expression be limited, and if so, based on which justification?

It is clear that the Internet doesn't and shouldn't constitute a no-man's land, with no rules or rights, and that censorship must be restricted as it is in the real world. However, it can be considered, as it is in certain European countries (e.g. France), that freedom of expression isn't an absolute freedom. As a whole, all rights and freedoms coexist to form a delicate balance. Consequently, freedom of expression can be limited by other rights, presenting the same value and weight, as the right to human security or to privacy.

This concern was at the heart of discussions held during a specific seminar at the United Nations, in Geneva, addressing "*The evaluation of the Internet's role and the means to ensure that a responsible usage is made vis-à-vis the [International Convention on the elimination of all forms of Racial Discrimination](#)*" (ICRD). It appears that this convention (ICRD) expressly mentions, in its article 4, the possibility of adopting very serious penalties against racism and anti-Semitism. However, it must be noticed that this approach is not necessarily universal. The United States, for instance, have formulated reserves regarding this text, reminding others of their attachment to the first amendment of their Constitution.

One question remains: how to ensure that the limitations to such a fundamental freedom as the freedom of speech are legitimate and reasonable? In order to maintain the right balance between the different freedoms, **a solid criterion must be recognized to guarantee that any limitation to fundamental principles remain acceptable.** For the panelists, the right criterion could be embedded in the UDHR and the [International Covenant on Civil and Political Rights](#) (ICCPR): the obligation to not inflict damages to third parties, or more simply to not harm others.

- **Does this reassert and/or reinvent ethical issues and does it lead to new rules? To new ethical solutions (e.g. codes of ethics)?**

If ethics in the information society are to be developed, the panelists then addressed the question of how to formalize them: i.e., which tools should be used?

It was recognized that the existing freedoms as the ones listed in the UDHR remain modern references in the cyberspace (see question 1). A consensus was also reached on the need for a reasonable balance among all these rights (see question 2), and to reach this balance, a debate must occur between stakeholders at all levels, all over the world. Hence, the most natural way to establish appropriate ethics in the information society would be in the form of **an evolving and simple tool, such as a code or a charter.**

In this spirit, UNESCO has initiated the drafting of a [Code of ethics for the information society](#), developed according to a multi-stakeholder method. The

different regional conferences organized in the past years have been the occasion of gathering actors from the Civil Society, the Internet technical community but also high-level policy-makers. However, it must be acknowledged that the construction of a consensus in this field hasn't yet reached the stage of the adoption of the text. To continue advancing agreement on the text, it could be interesting to consider the reference to certain imperatives or trans-vertical principles, such as efficiency (ethics require periodical revisions and educational measures), proportionality (e.g. the extent to which censorship can be considered) or legitimacy (with regard to the initial intention, the essence of the pre-existing principles, and considering the cultural context).

Other initiatives to develop principles or codes have been undertaken by the Internet technical community³ and the Civil Society⁴. And this is a very positive sign; it means that ethics of the information society are truly under construction today, and they are constantly evolving through a lively process.

In parallel and as a complementary measure, it is obviously necessary to develop **legal measures** at the international level, allowing the transposition in the legal framework of relevant ethical principles. Additionally, **educational measures** must raise awareness at all levels: among policy-makers, researchers and technical experts who conceive the technologies, and also among users who must be educated and empowered to use those technologies in a free and responsible way. One of the most efficient measures, in the long term, remains media education for the youngest, and in this regard, UNESCO and the Council of Europe advocate for the development of specific seminars focusing on human rights.

³ The Internet Society (ISOC) has developed a set of values and principles that echo the fundamental principles underlying the development of the Internet (openness, accessibility, neutrality, etc.) and that are used as yardsticks for all its educational, policy and standards development activities : <http://www.isoc.org/pubpolpillar/principles.shtml>

⁴ The Association for Progressive Communications (APC) for instance has developed a Charter of Internet rights : <http://rights.apc.org/charter.shtml>