Human Rights and Internet Governance

Statement by the Civil Society Human Rights Caucus
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1. The civil society human rights caucus would like to express our support to the open and inclusive approach, which has been taken so far by the working group on Internet Governance. However, we wish to express our concerns with the following issues.

2. Internet governance has important impact on human rights and democracy. Whether defined broadly or narrowly, at least human right issues of privacy, freedom of expression, access to information, and the public domain of knowledge are at stake in Internet governance. The effective enjoyment of freedom expression and the right to assembly is tightly linked with the protection of privacy. In addition, the current forum for domain name management is a private party, dominated by a limited number of countries and based on a contract with a single government. This lack of inclusion of especially developing countries also applies to many Internet protocols and standard setting bodies. Any decision resulting from WSIS on Internet governance must ensure that future mechanisms are human rights compliant, both through their composition and governing structures and through regular assessment of their decisions.

3. The civil society human rights caucus is deeply concerned with the tendency to address any Internet related aspect within the framework of Internet governance. We recognize that a number of transnational issues related to Internet lack a global space for political discussions and agreement. However, discussions on issues such as privacy, freedom of expression, prohibition against discrimination, access to information, intellectual property, and illegal content, must be addressed within a human rights framework. Internet governance must not result in a lawless zone escaping international human rights protection. This is especially important since, in the information society context, a number of human rights are threatened.

4. We agreed to develop an information society based on human rights. As reaffirmed in the Geneva Declaration of principles, the information society should be based on the Universal Declaration of Human Rights and the UN Charter, protecting and upholding the universality and the indivisibility of all human rights, and their centrality to democracy, the rule of law and to development. The protection of human right standards is the first responsibility of governments. It is a state responsibility to ensure that Internet governance mechanisms are compliant with human right standards, that there are means to enforce them, and that governments can be held accountable for human rights violations, including before international courts. Holding

governments responsible and accountable for human rights protection does not exclude the active participation of private parties and civil society; however there must be clear divisions of responsibility.

5. An essential feature of Internet relates to its transnational nature. International agreements have traditionally been based on the assumption of territorial jurisdiction, whereas Internet is a global communication forum. One of the results of the World Summit of the Information Society in Geneva was a growing acceptance of the Internet as a global commons. This implies effective access for all countries to participate in decisions regarding enjoyment of this common good.

6. Internet governance mechanisms can and should further human rights by ensuring an enabling environment that protects and enforces human rights standards and democratic principles of inclusiveness, transparency, checks and balances, and the rule of law.