Human Rights and Internet Governance

Statement by

The WSIS Civil Society Human Rights Caucus
to the IGF open consultations
Geneva, February 16-17, 2006

We welcome the creation of a global internet governance forum, and hope for this forum to contribute to greater awareness of the urgent need to respect and protect international human rights standards in a number of policy areas related to internet. We wish to stress the importance of creating an inclusive, non-discriminatory, and transparent discussion space, with real means of civil society participation not least from the developing countries. We also recognise a need for greater human rights awareness and capacity building across the many issue-specific arenas of internet policies, which currently exist. We wish however to remind that the tendency to address any internet related policy aspect within the framework of Internet governance may result in a lawless zone escaping international human rights protection and diluting responsibility and accountability of States towards their citizens.

Throughout the WSIS process it was time and again reaffirmed that the information society must foster and protect human rights as stipulated in the Universal Declaration of Human Rights, and the vast array of Human Rights Conventions, at international and regional level. Thus, compliance with international human rights law as well as effective human rights protection must be a baseline for assessing both national and international regulation related to information society policies.

The system of human rights protection is built on citizens being able to claim protection and enforcement of human rights by their governments, and if this fails through the international human rights system. The fact that the international community can hold states accountable for national human rights protection is key to the whole system of protection. Within the trans-national policy arena of internet regulation, it is crucial that citizens basic rights and freedoms remain protected, and that there are concrete measures to enforce these rights and freedoms.

We wish to point to two main areas related to internet policies, where we are very concerned with current policy developments:

- *Privacy*. As stressed in the contribution to the Internet Governance Forum from the WSIS Civil Society Working Group on Privacy and Security there is no international legal framework for online privacy protection and enforcement. In the current political climate driven by the so-called "war on terror", international human rights privacy standards are under the strongest pressure since their adoption, and are currently being restricted in a number of areas with little or no legal safeguards to ensure check and balances. Another area of concern is the level of privacy protection for user data in the Whois database, which is currently set by US domestic standards, and thus do not comply with the level of data protection guaranteed to citizens in i.e. Europe.

- *Freedom of expression*. It is well documented that online freedom of expression are being violated around the globe, both in the form of outright censorship but also by more subtle measures including privatised censorship and state measures to protect against so-called harmful content. Areas of concern include state filtered information access, ISP self-regulation of harm-full content, state / commercial censorship of search terms, criminalisation of content that are fully legitimate under international freedom of expression standards including when leading to imprisonment of online journalists and bloggers, extended copyright regimes, etc.

We encourage the Internet Governance Forum to address, unfold, and raise greater awareness on these issues among all stakeholders. We call the Forum for cooperation with existing UN bodies in charge of Human Rights issues, especially the UN Office of the High Commissioner for Human Rights, with a clear goal to strengthen human rights protection related to internet policies, and to ensure that all internet policies have human rights protection as their baseline. To this end, we hope that the Internet Governance Forum will endorse the WSIS Civil Society Human Rights Caucus proposal to establish an Independent Commission on the Information Society and Human Rights, composed of highly qualified experts in various relevant fields, with a broad geographical representation, to monitor and assess relevant legislation and policies to ensure that these are compliant with international human standards.

The WSIS Human Rights Caucus was set up in June 2002 to ensure that human rights are firmly placed on the information society agenda. It has more than 65 member organisations. For more information on the WSIS Human Rights Caucus see: http://www.iris.sgdg.org/actions/smsi/hr-wsis

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