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Internet and Human Rights

- 2,3 billion people use the Internet.
- Every day there are more than a billion searches on Google for information.
- If Facebook was a country, it would be the world's fourth largest.
- Global social network ad revenues amount to \$ 8 billion.
- South Korea has one of the world's highest Internet penetration rates, with 82.7 % of the population online.
- But: The challenge of ensuring human rights online is substantial.

Question:

➤ How can we guarantee that human rights are ensured on the Internet while also finding human rights-sensitive answers to legitimate government concerns?

(Economic) Opportunities of the Internet

- Openness of the internet and universal access stimulate innovation
- Internet facilitates access to knowledge and technology transfer
- EU Commissioner for Digital Agenda, Neelie Kroes, Stockholm June 2012: „700.000 more ICT workers are needed in EU in 2015“
- 2008 Seoul Declaration on Future of Internet Economy
- Potential of Internet for more fully realizing human rights and participatory democracy; example: Digital Human Rights Education
- Public Service Value of the Internet (Council of Europe)

Question:

- How to make best use of the opportunities of the Internet in a human rights sensitive way?

Opportunities and Threats for Human Rights in the Internet

Opportunities	Threats
- communication worldwide	- hate speech worldwide
- access to information and Science, transparency	- copy/paste, plagiarism, violation of intellectual property
- intercultural understanding	- glorification of terrorism
- new dimensions of information sharing	- new dimensions of filtering and blocking

Main Human Rights Relevant for the Internet

- **Right to access, to digital inclusion**
- **Non-discrimination of users**, including freedom from gender discrimination
- **Freedom of expression** and information
Including freedom from illegal blocking and filtering
- **Freedom of assembly and association**
including freedom of online protest
- **Privacy and data protection**, including protection of virtual personality, right to anonymity and to use encryption and minimum standards on use of personal data
- **Cyber education**, including digital human rights education
- **Access to Knowledge and Culture**, including right to use one's own language, knowledge commons, open standards
- **Child protection**, including freedom from exploitation and child abuse imagery
- **Participation in public affairs**
- **Consumer protection**
- **Right to health**, including access to health-related content
- In cases of violations of rights: right to an **effective remedy**

Threats to Human Rights on the Internet

- Threats from government: Censorship, blocking and filtering
- Threats from business: lack of respect for privacy and data protection, pornography and violent games industry
- Threats from crime: Cyber crime, identity theft, phishing
- Threats from users: Hate speech, religious defamation, spam, hackers, false identities

Question:

- Do we need a more open concept of freedom of expression and privacy for the Internet? Or a more restrictive one?

Filtering of Digital Content

- Level of filtering: political, social, services
- Intensity of filtering: pervasive, substantial, selective, suspected, unfiltered
- Monitoring, enforcement, penalties

Questions:

- What new tools can online activists use to circumvent blocks?
- What new measures are emerging to evaluate digital ecosystems?

Evolution of Agreements and Rights

- The Universal Postal Union (UPU): 1874
- ITU Convention: 1865
- U.S. Communications Act: 1925
- Universal Declaration of Human Rights: 1948
- New World Information and Communication Order: 1970s, 80s
- WSIS Summit 2003/2005

Questions:

- What new forums will govern the future of human rights?
- How will stakeholders participate in and collaborate in such forums?

Impacts of Mobile Media

- Much larger user base, faster growth (voice, data, Internet)
- Convergence: multimedia; 'SoLoMo' (social, location, mobile)
- Citizen journalism ('mobile journalism')
- Centralised networks, operator control, 'paid'
- New gatekeepers – operators, device makers, app portals

Questions:

- How do mobiles democratise communication while also being used in surveillance?
- How can citizens make their concerns known to the industry heavyweights?

Internet Governance

ICANN 1998 – Governmental Advisory Committee (**GAC**)-role of US
(internationalized domain names, enlargement of generic **TLDs**)

World Summit on the Information Society (WSIS) 2003-2005:
Principle of multistakeholder governance

Internet Governance Forum since 2006: Athens (2006), Rio (2007), Hyderabad (2008),
Sharm-el-Sheikh (2009), Vilnius (2010), Nairobi (2011), Baku (2012) ...

Proposals for more governmental control over the Internet:

- **Russia, China and Co.: International Code of Conduct for the Information Society – „Internet Security Treaty“**
- **India: Committee on Internet-related Policies (CIRP)**

ITU – World Conference on International Telecommunications (**WCIT**), Dubai 2012

Questions:

- How to resolve the conflict on the future modality of Internet Governance?
- What is the role of self-regulation vs. co-regulation?

Principles of Internet Governance 2011 (Council of Europe)

1. Human Rights, Democracy, Rule of Law
2. Multi-stakeholder governance
3. Responsibilities of States
4. Empowerment of Internet Users
5. Global Nature of the Internet
6. Integrity of the Internet
7. Decentralized management
8. Open architecture
9. Network neutrality
10. Cultural and linguistic diversity

Other catalogues: G8, OECD, EU, OSCE etc.

Question:

- How to reach international consensus on principles?

Asian Perspectives

- Diaspora involvement
 - Modifications of colonial-era laws
 - Transitions to democracy
 - Impacts of terrorism
 - Challenges to press freedoms
 - Overcoming the digital divide
-
- Challenges to present IG-model?

Questions:

- What new contributions is Asia poised to make in emerging freedoms?
- What new forums can be designed for engagement involving Asia?

ICTs and Human Rights

UN Special Rapporteur on Freedom of Opinion and Expression,
Frank La Rue: „What legally applies offline also applies online“

- all human rights can also be applied online, with some interpretations and adjustments based on the Universal Declaration on Human Rights and subsequent UN Human Rights instruments.
- The right to access to the Internet can also be derived from the right to fully enjoy all human rights
- new human rights are not necessary

Question:

- How can human rights be best protected on the Internet?

ICTs and Human Rights

- WSIS: Geneva Declaration and Tunis Commitment:
UDHR, freedom of expression, right to privacy
- Internet Rights Charter of the Association of Progressive Communications (APC), 2006
- Internet Rights and Principles Coalition: **Draft Charter on Human Rights and Principles for the Internet** (2010/2011) based on UDHR
- Council of Europe: Project of a „Compendium of Human Rights of Internet Users“

Question:

- What could be the value-added of international instruments on human rights in the Internet?

ICTs and Human Rights: Right to Access

- Human Right to Access to the Internet?
- Examples of good practice: Estonia, Finland, Costa Rica (OSCE study) etc.: Internet as a motor of development
- Issue of non-discrimination, vulnerable groups, people in rural areas ...
- Issue of diversity and access

Questions:

- Should there be a universal right to Internet access?
- What would it mean for the individual in Europe and in Asia?
Could it help to bridge the digital divide?

Problems of Cybersecurity

- Network Security
- Information Security
- Child Security
- Personal Security (identity theft)
- Stuxnet, Flame etc - Danger of Cyberwar?
- State Security or Human Security?

Cybercrime Convention, initiated by Council of Europe but open globally
Internet Security Treaty? IHL and HRs in Cyberwar?

Questions:

- How to assure safety and security on the Internet?
- How much freedom should be sacrificed for more security?
- Are the rules applying to restrictions of freedoms respected?

Responsibilities of Business Actors

- Corporate Social Responsibility: Ruggie framework and principles
- Examples of good practice
 - Global Network Initiative (GNI)
 - Transparency Report of Google
- Concerns on privacy and data protection with social networks and search engines:
 - use of data without consent of user, right to delete, right to be forgotten, right to consent over use of data applied in practice?

Questions:

- Should there be a Responsibility of Internet Service Providers (ISPs) as „gate keepers“ for content?
- Which rights should users have regarding their personal data?

WG 1: Freedom of Expression

- New forums of expression emerge online and need protection
- Freedom of expression can be misused (e.g. hate speech)
- Expression takes place in privately owned social networks: Are they becoming new public spaces?
- Social activism is dynamized by the Internet

Questions:

- How can global standards be found in light of diverging national approaches on freedom of expression?

WG 2: Right to Privacy and Data Protection

- Right to informational self-determination of users requires right to consent to use of personal data, right to correct or delete data, right to be forgotten
- Practice of private commercialization of personal data, „data mining“, behavioural targeting, profiling etc. raises concern
- New challenges to privacy by new technologies like biometrics, geo-location, cloud computing etc.
- Concerns over public collection of personal data for security purposes – EU Data Retention Directive

Questions:

- What could be effective remedies against illegal data collection and misuse?
- How to balance human rights and security?

WG 3: Digital Divide

- Two thirds of the world's citizens do not have Internet access.
- Lack of access increases risk for other human rights violations
- There are a number of different divides: between rich and poor, between the educated and the non-formally-educated, for vulnerable groups ...
- Industries and policymakers need to cooperate in bridging the digital divide(s)

Questions:

- How can we ensure access for all? Whose responsibility is it?

WG 4: Right to the Cultural Enjoyment of the Internet

- Internet as a promotor or threat to cultural and linguistic diversity?
(domain names, scripts, contents)
- UNESCO Convention on Cultural Diversity
- SOPA, PIPA, ACTA: balancing Access to Knowledge(A2K) vs. Copyright (IPRs)
- Need for new business models, i.e., on copyright for music, films, books?
- Role of creative commons – new culture of „sharing“?
(Ex.: googleartproject.com)

Questions:

- Does the Internet lead to globalisation and homogenisation or localization and diversification of cultural expressions?

Recent Controversies

- Whistleblowing
- Internet fragmentation
- Hate speech
- Net neutrality
- International oversight
- Open access to knowledge, DRM

Questions:

- What new categories of regulation do ICTs affect?
- How can 'free' be balanced with 'paid' content?

Emerging Issues

- How to protect human rights in the „Internet of Things“?
- How to resolve jurisdictional challenges from cloud computing?
- Should there be a „right to die“ on the Internet?
- How to cope with HRs challenges from developments in technology and social networks?
- How to include the 60 % of people without Internet access?
- How to provide digital content and cyber-education to vulnerable and handicapped people or people who only speak local languages?
- How deal with cyberintrusions, to establish rules for cyberwar respecting IHL and HRs?
- How to find a new balance between A2K and IPRs/copyright?
- How to apply the multi-stakeholder approach to IG in meeting the challenges of the future (WCIT, enhanced cooperation/IGF)?