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INTERNET RELATED ISSUES: INCLUDING ACCESS TO INFORMATION AND KNOWLEDGE, FREEDOM OF EXPRESSION, PRIVACY AND ETHICAL DIMENSIONS OF THE INFORMATION SOCIETY

DISCUSSION PAPER

OUTLINE

Source: 192 EX/Decision 40.

Background: By its 192 EX/Decision 40 the Executive Board recommended that an item entitled "Internet related issues: including access to information and knowledge, freedom of expression, privacy and ethical dimensions of the information society", be inscribed on the agenda of the 37th session of the General Conference and requested the Director-General to submit a discussion paper on the above-mentioned issues, under UNESCO's mandate.

Purpose: This document contains the discussion paper prepared by the Director-General at the request of the Executive Board at its 192nd session.

I. Introduction

“The use of ICTs and content creation should respect human rights and fundamental freedoms of others, including personal privacy, and the right to freedom of thought, conscience, and religion in conformity with relevant and international instruments.”

(Geneva Declaration of Principles, World Summit on the Information Society, 2003)

1. The digital revolution is impacting on all spheres of public and private life and brings with it unparalleled opportunities and challenges pertaining to access to information and knowledge, political participation, civic engagement, freedom of expression and the free flow of information and socio-economic empowerment. From this perspective, the further development of the Internet and cyberspace may give rise to a number of issues to be addressed. These may include such questions as those relating to the use/misuse of information, breach of privacy, and the exploitation of vulnerable groups, as well as women and girls and youth. Other concerns may be related to ethical dimensions of the information society, and the interface between individuals, society, governments and technological developments.

2. In the digital age, the dynamics of freedom of expression and privacy in cyberspace are increasingly complex. More and more personal and public information is collected, stored, processed and shared via the Internet. Information and patterns derived from different data sets can be combined and analysed more easily than ever before, allowing third parties, be they governments or private companies/intermediaries, to review the online behaviour of individuals, their consumption patterns, physical movements and use of social networks and views expressed, within national boundaries and across borders.

3. UNESCO’s reflection and work on the use of the Internet must be framed within the scope of its mandate.

II. Internet-related issues: access to information and knowledge, freedom of expression, privacy and the ethical dimensions of the information society

Access to information and knowledge

4. Access to information and knowledge is a basic requirement for building inclusive knowledge societies with strong foundations for lasting peace and sustainable development. UNESCO’s vision of knowledge societies moved the focus beyond information and communication technology (ICTs) and infrastructure to emphasize the centrality of human beings and processes of learning. From this perspective, access to information alone is not a sufficient requirement for the creation of knowledge societies, as knowledge implies meaning, appropriation and participation. Access to knowledge thus entails much more than access to ICTs or digital information, involving learning in formal and informal education settings and through experience.¹

5. While we have witnessed a significant increase worldwide of access to information through the development of Internet infrastructure and ICT deployment, especially in the developing world, the world is still marked by stark inequalities in terms of access and linguistic diversity. The digital divide continues to exclude large numbers of people, especially in Africa and LDCs, and these divides cut across rural and urban lines, gender, age, race, education and socio-economic conditions.

6. UNESCO’s mandate in promoting universal access to information and knowledge focuses on the content and use of ICTs. It deals with such issues as enhancing the quality and linguistic diversity of content and resources, preserving documentary heritage, promoting locally relevant and multilingual content, promoting access to information for marginalized groups such as people

¹ Mansell, Robin and Tremblay, Gaëtan (2013) *Renewing the knowledge societies vision: towards knowledge societies for peace and sustainable development*. WSIS+10 Conference. UNESCO, Paris, France <http://eprints.lse.ac.uk/48981/>

with disabilities, and fostering media and information literacy, which it considers as an essential condition for more informed use of the Internet and ICTs.

7. ICTs provide unprecedented access to educational and scientific information. The 2012 World Open Education Resource (OER) Congress recommended the wide adoption of OER policies in Member States as a way to improve the quality of education. The UNESCO OER platform already provides access to more than 150 education resources developed by the Organization and its partners.

8. The UNESCO ICT Competency Framework for Teachers has been used in many countries as a methodology of teacher training for use of ICTs in classrooms. By enhancing teacher competencies in this field, UNESCO is working across the world to improve multiple ICT-related literacies.

9. In all these areas, a number of questions arise, ranging from common standards for the long-term preservation of digital heritage; policies to promote openly licensed educational resources and scientific repositories; developing inclusive strategies for marginalized and disabled people and promoting locally produced and relevant content in different languages.

10. Access to information is linked to the Universal Declaration of Human Rights which specifies in its Article 19 that "... everyone has the right to freedom of opinion and expression"; and that "this right includes the freedom to seek and receive information and ideas through any media and regardless of frontiers." In this respect, access to information and freedom of expression are two sides of the same coin.

Freedom of expression and privacy

11. If Internet freedom may be interpreted as compliant with universal human rights, ethical dimensions may be understood as the choices to be made with regard to respecting these rights and implementing them in a balanced manner. In all respects, such choices should be informed by the international standards enshrined in the Universal Declaration of Human Rights (UDHR). Human rights are indivisible, which means that limitations or protection, as well as violations, of one right may have consequences for other rights. This can be the case in regard to particular actions concerning the right to privacy and the right to freedom of expression.

12. Choices concerning protection of the right to privacy are relevant to UNESCO's mandate on freedom of press. Viewed from this standpoint, the protection of privacy can reinforce freedom of expression, and its corollary freedom of the press and freedom of information. For example, privacy is essential to protect journalistic sources, which enable a society to benefit from investigative journalism, to strengthen good governance and the rule of law.

13. At the same time, privacy may not be used to shield violations of individual rights or to block the media from exposing these. In this situation, constraints on freedom of expression may have negative effects on the right to information. The protection of privacy in practice, therefore, needs to take account the impact on the right to freedom of expression.

14. In taking forward these and other rights, Article 29 of the UDHR sets out the following criteria and conditions: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

15. The general right to privacy is related to many distinct issues, such as anonymity and dignity. On the Internet, there are additional related issues, ranging from consumer data protection and intellectual property to data-mining, and cyber-security. Ethical choices on each of these matters – with regard to protecting both privacy and freedom of expression, and to balancing these rights

with other rights (including those to life, liberty and security, as noted in the UDHR) – may require distinctive action in each sphere.

Ethical dimensions of the information society

16. From UNESCO's perspective, the role of the Internet in advancing respect for and the realization of human rights, in ensuring human dignity and in promoting peace raises issues for ethical consideration.

17. ICTs are sometimes viewed as being purely technological, not imbued with intent of its own as such. From this perspective, technology is seen to be neutral and, on this basis, value judgments may only be made in relation to the intent, use and the outcomes of its application.

18. Another perspective argues that ICTs are not neutral and that they are embedded, whether explicitly or implicitly in their design, with assumptions, expectations, values and biases along with the viewpoints of their designers and the societies in which they are created. Technologies do not simply come into existence – they are created within a social context that gives them meaning and purpose. The way in which the designer of a new communication and information technology considers it should be used, the perceived potential benefits it provides, what data should be collected, how data should be stored and accessed, what user actions are permitted, along with issues of profitability – all of these may be seen to entail particular choices with distinct consequences.

19. There is yet another perspective that posits that ICTs, especially newer ones, are altering human interactions in fundamental ways for which we are not yet adapted or adequately prepared cognitively. From this angle, ICTs are seen to be changing drastically the context of social interactions, removing important social cues and inhibitions, with the potential impact that may be socially inappropriate.

20. These different perspectives and assumptions about technology and their relation to society highlight the need for increased awareness as well as critical consideration on the ethical dimensions of the information society at all levels – by users, network operators, content producers, designers of ICT, and policy-makers.

21. In this respect, it is important to recognize that these actions are being played out across a global platform with multiple actors, whose decision-making is informed from a variety of perspectives. Human rights are universal – the way in which different societies express and apply them may vary. Based on the universality of human rights, UNESCO's vision of knowledge societies has as one of its tenets that such societies value and respect diversity and pluralism in expressions.

III. UNESCO's work in the area of information society: background and succinct summary

22. In the mid-1990s, UNESCO organized a series of international expert meetings on the social, legal and ethical aspects of use of ICTs and access to information, identifying these issues as critical for the future. Since then, the wider debate has come to focus on the question of access to information, as well as on a framework for action towards facilitating access to multilingual information in the public domain. After several years of work, such a framework was created with the adoption by the General Conference of UNESCO in 2003 of the "Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace".

23. UNESCO's role in this area was further confirmed when it was mandated by the World Summit on the Information Society (WSIS) to coordinate global follow-up of six Action Lines:

“Access to information and knowledge” (C3), “E-learning” (C7), “E-science” (C7), “Cultural diversity and identity, linguistic diversity and local content ” (C8), “Media” (C9) and “Ethical dimensions of the Information Society” (C10). UNESCO’s concept of knowledge societies – based on the four principles: freedom of expression, universal access to knowledge, quality education for all and respect to cultural and linguistic diversity – was positively received by all stakeholders. The World Report on Knowledge Societies, addressing all these issues, was published in 2003. Recently, UNESCO examined the dimensions of Internet freedom and privacy, presented in two publications – “Freedom of Connection – Freedom of Expression: The Changing Legal and Regulatory Ecology Shaping the Internet” (2011) and a “Global Survey on Internet Privacy and Freedom of Expression” (2012).

24. Furthermore, the General Conference at its 36th session examined a document “Reflection and Analysis by UNESCO on the Internet”. UNESCO’s Intergovernmental Information for All Programme (IFAP), through its expert Working Group on Information Ethics and expert conferences in all regions of the world, has developed the “IFAP Code of Ethics for the Information Society”. At the 36th session of the General Conference in 2011, Member States took note of this Code and invited the Organization to suggest possible ways of addressing the ethical dimensions of the information society. Subsequent consultations with Member States and other stakeholders led to the document “UNESCO and the ethical dimensions of the information society” which was endorsed by the Executive Board at its 190th session in 2012.

UNESCO’s role vis-à-vis other organizations

25. WSIS was the first United Nations summit that brought together the different stakeholders dealing with new ICTs. At WSIS, representatives of governments, civil society, academia, the media and the private sector joined forces to develop coherent approaches, aimed at ensuring that all citizens could enjoy the benefits of the emerging Information society and could contribute to the realization of human rights and the attainment of the Millennium Development Goals. With the International Telecommunication Union (ITU), the United Nations Development Programme (UNDP) and the United Nations Conference on Trade and Development (UNCTAD), UNESCO has been designated as one of the lead United Nations agencies in implementing the WSIS decisions.

26. Accordingly, UNESCO is involved in relevant intergovernmental and multi-stakeholder decision-making mechanisms and agenda-setting forums. These include the 30-member United Nations Group on the Information Society (UNGIS), which UNESCO is chairing in 2013. UNGIS is tasked to coordinate the work of United Nations organizations work on the implementation of WSIS outcomes. In May 2013, UNGIS issued a joint statement calling for greater attention to leveraging ICTs in the post-2015 development agenda. Since 2006, UNESCO has been active in the Internet Governance and WSIS Forums. UNESCO organized, at Headquarters in February 2013, the First WSIS+10 Review Event. UNESCO’s Intergovernmental Information for All Programme (IFAP) and the World Commission for the Ethics of Science, Technology and Knowledge (COMEST) have contributed to the Organization’s work in the areas of universal access to information and ethics of the information society. In this regard, UNESCO has worked closely with other United Nations organizations, such as ITU, UNCTAD and UNDP, and it cooperates with the United Nations Special Rapporteur on Freedom of Expression.

27. UNESCO, together with ITU, has established the Broadband Commission for Digital Development that advocates for increased use of broadband for inclusive and sustainable development and for recognition of technology as an important catalyst for such development. Annual reports of the Commission analyse progress towards its advocacy targets and provide practical suggestions on how to better leverage technology for progress towards the Millennium Development Goals. In 2013, UNESCO prepared the Commission’s report “Technology, Broadband and Education: Advancing the Education for All Agenda”.

Link with existing UNESCO programmes

28. The issues explored in this discussion paper intersect with the work undertaken within the scope of the six WSIS Action Lines entrusted to UNESCO, as well as UNESCO's own programmes and activities – including those carried out through its intergovernmental programmes, such as IFAP. In this context a number of documents and reports have been prepared for consideration by the governing bodies, including:

- Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace (32 C/Resolution 41)
- Charter on the Preservation of the Digital Heritage (32 C/Resolution 28)
- Reflection and Analysis by UNESCO on the Internet (36 C/54, 186 EX/Decision 37)
- IFAP's Code of Ethics for the Information Society (36 C/49; 36 C/Resolution 61)
- UNESCO and the ethical dimensions of the information society (190 EX/5 Part I (D), 190 EX/Decision 5 Part III)
- Status of Press Freedom and Safety of Journalists (37 C/INF.4)²

Conclusion

29. The issues covered in this discussion paper (access to information and knowledge, freedom of expression, privacy, and ethical dimensions of the information society) are distinct and also interdependent. Cyberspace is especially complex and sensitive, because of its global and transnational character, calling for a holistic approach to address the broad range of issues relating to its use. An inclusive multi-stakeholder process can provide a platform for all actors – including governments, industry, and civil society – to examine these complexities and propose well-informed recommendations. In this context, UNESCO could play a role in fostering dialogue and in bringing together all relevant stakeholders, to build consensus at the global, regional and national levels.

30. Greater reflection and systematic work is required to address the questions arising with regard to the rights to freedom of expression and to privacy, as well as with regard to the legal and regulatory initiatives giving rise to these issues. Further work should advance a free, safe and open Internet, which is in line with the Universal Declaration of Human Rights and expectations for the crafting of inclusive knowledge societies.

² All related documents are available at: <http://en.unesco.org/themes/ethics-information>.