

UNESCO global study on Internet-issues

Response from Austria

1. General

Austria welcomes the work of UNESCO to conduct a study on Internet-related issues. UNESCO is mandated by its constitution to *“further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world (...)”* and requested to *“collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image (...)”*. UNESCOs work in the field of media development, media literacy, ICT education and the promotion of freedom of expression and the media is very relevant and contributes to the objective of peace and sustainable development.

The study will enable the UNESCO secretariat and member states to obtain a clear picture about ongoing processes regarding internet related issues within the wider UN system as well as within communities of stakeholders outside the UN system. The outcome should thus help to define UNESCOs role among the various actors and inform decisions on future action.

2. Austrian responses to question F – Questions related to options

2.1. *The right to privacy*

Access to information and knowledge, freedom of expression and privacy are currently widely discussed in different multi-stakeholder fora on internet governance. There is a need, including within the UN system, for enhanced coordination, clarification of roles as well as clarification of concepts and more cooperation among the different actors in order to create synergies and avoid duplication. In this regard, UNESCO should further promote the strengthening of the multi-stakeholder model of Internet governance.

Concerning the human right to **privacy**, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, the Human Rights Council in Geneva, the UN High Commissioner for Human Rights and the UN General Assembly have recently taken action with the aim to raise awareness and further the discussion among States on the “right to privacy in the digital age” and to clarify the scope of the right to privacy as defined by Art. 17 of the ICCPR in relation to information and communication technologies (ICTs).

The report of the Office of the United Nations High Commissioner for Human Rights “The right to privacy in the digital age” (A/HR/27/37 dated 30 June 2014) should be considered a reference document when it comes to action in regard to privacy. It concludes that while international human rights law already provides a clear and universal framework for the promotion and protection of the right to privacy, problems occur at the level of national legislation and/or enforcement. There is therefore, as stated by the report, a need for in-depth study of issues relating to the effective protection of the law, procedural safeguards, effective oversight, and remedies.

This concern is taken up by the resolution on “The right to privacy in the digital age” adopted by the UN General Assembly on 25 November 2014, of which Austria was a main sponsor. Among others, the resolution asks the UN Human Rights Council “to remain actively seized of the debate, with the purpose of identifying and clarifying principles, standards and best practices regarding the promotion and protection of the right to privacy, and to consider the possibility of establishing a special procedure to that end.” Austria is of the view that the establishment of a special procedure on “the right to privacy in the digital age” would be most helpful in providing further practical and legal guidance to support the debate in the UN Human Rights Council.

UNESCO should coordinate its activities with and build on the work (especially in the area of clarifying the scope of and principles relating to the right to privacy) done in other UN fora, in particular the Human Rights Council in Geneva and the General Assembly in New York, and has an important role in:

- Promoting an open and inclusive Internet and the protection of the same human rights online as exist offline.
- Providing guidance and giving policy advice to governments that want to strengthen their legislation on media and information, including the protection of the right to privacy online.
- Promoting media literacy and developing media literacy programs that include awareness-raising for the right to privacy and for existing remedies in the case of unlawful or arbitrary interference with the right to privacy, especially for persons and organizations that are engaged in promoting and defending human rights.
- Promoting media literacy and developing media literacy programs that include awareness-raising for risks that the storage of data on an individual’s behavior, social relationships or private preferences can pose to the right to privacy.

2.2. Freedom of expression online

Concerning the human right to **freedom of expression on the internet**, UNESCO has an important role in:

- Promoting the safety of journalists, including online media producers, by implementing the UN-Plan of action on the safety of journalists and the issue of impunity, as well as promoting its implementation at the national and regional

levels. For doing so, further reflections on how to strengthen the effectiveness of this instrument and the responsiveness of governments will be necessary. Cooperation and coordination with other actors should be continued, especially with the Council of Europe that very recently decided to establish an online-platform on the safety of journalists.

- Promoting a safe environment for journalists, including online media producers, by promoting humanitarian relief via its Committee of Conventions and Recommendations (CR) in cases of alleged unlawful or arbitrary detention.
- Providing guidance and giving policy advice to governments that want to strengthen their legislation on media and information, including the protection of the right to freedom of expression online and offline, by using UNESCO's Media Development Indicators and Internet Indicators.
- Continuing to promote, within the post-2015 development agenda process, the importance of freedom of expression for sustainable development.

2.3. Access to information and knowledge

Concerning **access to information and knowledge**, UNESCO has an important role in:

- Promoting multilingualism on the internet as a precondition for universal access to information and knowledge.
- Promoting media literacy and developing media literacy programs, especially for girls and marginalized groups.
- Giving policy advice to governments that wish to review their education policy in order to include internet literacy into the school's curricula.
- Promoting media development, especially the development of content that mirrors the diversity of societies and shows a variety of life choices for all persons.