

Contribution from the Governments of Denmark, Finland, Iceland, Norway and Sweden to UNESCO's Comprehensive study on Internet Related Issues

UNESCO's comprehensive study on Internet-related issues is timely and relevant. It addresses some key dimensions of current debates around the role of the Internet as a platform for global development, related to issues such as rights, access, literacies, participation and use, as well as aspects of its governance.

We – the governments of Denmark, Finland, Iceland, Norway and Sweden – fully support UNESCO's concept of Internet Universality as an integrated framework based on fundamental principles: an Internet that is human rights-based, open, accessible, and governed by a multi-stakeholder approach. The holistic approach of the concept is key.

Our contribution to the study takes a holistic approach, underlining the importance of an integrated framework, focusing on the fundamental principles of human rights and the role of UNESCO. We also provide some complementing comments on clusters of issues in the study. The following structure represents our contribution:

- 1. A holistic perspective, principles and an integrated framework*
- 2. The role of UNESCO*
- 3. Complementing comments on clusters of issues in the questionnaire*

1. A holistic perspective, principles and an integrated framework

The Internet landscape is in constant change and technologies are evolving rapidly, creating opportunities but at the same time giving rise to new challenges. Discussions on Internet-related issues are ongoing in several forums and include many different stakeholders, and UNESCO is an important part of this conversation. Continued international dialogue is needed on how to implement established international principles in cyberspace.

Concept of Internet Universality

Since the beginning of the last decade, UNESCO has had an important role in structuring the discourse, clarifying key concepts and taking forward a human rights-based, open and accessible agenda of development rooted in a multi-stakeholder approach.

UNESCO's concept of Internet Universality (IU) anchors the discussion within the organization to human and societal development, not to technology per se. It aims at advancing the realization of fundamental human rights and freedoms. The IU concept and its ROAM principles function as an umbrella concept which can help UNESCO clarify the organization's role according to its mandate, both internally and in a cross-sectional manner, as well as in UNESCO's relations with other stakeholders and actors. This would make the organization a stronger and more proactive actor in dialogues with member states and in the broader discussions on Internet-related issues in the global arena.

For the results of this effort to have validity in the longer term and an ability to strengthen Internet policies in line with the ideals of openness and freedom, the analysis must be both thorough and well-reasoned. This relates to strengthening UNESCO's intellectual approach, to elaborate its role regarding knowledge development and sharing of knowledge to achieve progress.

Principles and essential components of the integrated framework

As Internet becomes more and more important for development, democracy and economic growth, we have to make sure its benefits are equally shared, and that human rights are upheld and respected. Universal conventions and values on human rights, democracy and rule of law must be guiding principles in the global debate about norms for cyberspace. The right to seek, impart and receive information forms part of the freedom of expression as a fundamental human right, and is linked to other rights such as the right to education, gender equality, right to privacy, right to take part in cultural life and freedom of assembly and association. It is the global and open nature of the Internet that facilitates opportunities to evolve. This also requires widespread cooperation among different stakeholders such as governments, civil society, the private sector and citizens at large.

Participation, privacy and safety are closely interrelated with freedom of expression. A modern and broad concept of security, based on international law and with a clear human rights perspective should focus on the security of the individual. A lack of human security on the Internet affects the opportunities of individuals to exercise their rights and to participate politically, economically and socially in society. Therefore an open, secure and vibrant Internet where the freedom and security of the individual is kept at its centre is key.

The increasing demands for regulation, management and control as well as the use of censorship and surveillance in some countries risk creating a new digital divide between those who enjoy freedom of expression and freedom of information and those who do not.

When access to new technologies becomes a fundamental prerequisite for taking part in society, it results in increasing demands on the skills and competencies of citizens. People's understanding of the conditions of the information society and their ability to handle the technology needed for creating and receiving information in a digital environment becomes increasingly important. Greater media and information literacy thus becomes a determining factor in the work for human rights on the Internet.

We – the governments of Denmark, Finland, Iceland, Norway and Sweden – are committed to protecting and promoting certain principles, such as:

- The respect of human rights and fundamental freedoms as proclaimed in the Universal Declaration of Human Rights, including the right to freedom of opinion and expression, as well as the right to privacy;
- The same human rights, responsibilities and obligations applied in the physical world should also apply in the digital world.
- The fundamental importance of non-discriminatory access to and accessibility of the Internet for exercising the freedom to seek, receive and impart information;
- Gender equality and the empowerment of women through e.g. fighting discriminatory legislation and marginalization;
- The importance of strengthening the multi-stakeholder model of Internet governance and increasing participation in multi-stakeholder processes, such as the Internet Governance Forum.

We firmly believe that:

- The Internet has always been underpinned by policies that promote the free flow of information and protect human rights, and that these are crucial for fostering innovation, creativity and economic growth.
- Media and information literacy should be supported in order to empower Internet users to make informed decisions, promote their access to information and economic opportunities, and protect their human rights and fundamental freedoms, including privacy, with particular attention being paid to the challenges faced by persons and groups in a vulnerable position or who are subject to discrimination.
- The global and interoperable nature of the Internet, governed by multi-stakeholder processes that are open to governments, international organizations, the private sector and civil society, including academic and technical communities, is a driving force in accelerating progress towards global development.

We particularly want to emphasize the adoption of the milestone resolution (20/8) in the Human Rights Council in 2012, which stated that the same rights that people enjoy offline should also apply online. This was followed by a resolution (26/13) in 2014 calling upon States to address the digital divide and to promote digital literacy and access to information on the Internet.

2. Role of UNESCO

We believe that:

UNESCO has a unique role in the UN family in promoting and enabling an open and inclusive Internet and facilitating the protection of the same rights that apply offline to also apply online, as well as in underlining the linkages between Internet openness, human rights and the building of strong democracies.

UNESCO has an important role in promoting already adopted and existing human rights frameworks and in advocating and raising awareness about these globally within the mandate of the organization.

UNESCO can foster discussion, harmonization and understanding of the key elements in the Internet debate and bring about shared understanding in the multi-stakeholder space as well as contribute to building capacity for important issues - from legislation to media and information literacy.

UNESCO has a role in:

- Stimulating global debate and sharing best practices on how Internet and online communication technologies can be used to guarantee and reinforce human rights and fundamental freedoms, and increase participation in democratic processes;
- Giving policy advice on a global level as well as concrete support to governments that are in the process of developing Internet-related legislation and regulation;
- Providing guidance for governments to build a media environment that supports freedom of expression through UNESCO's Media Development Indicators and Internet indicators;
- Ensuring that rights such as freedom of speech are taken into account consistently and in a cross-cutting manner in all areas of Internet governance;
- Strengthening the multi-stakeholder model of Internet governance and deepening collaboration with global and national multi-stakeholder communities;
- Working with the Media and Information Literacy, permeating all sectors in UNESCO, creating synergies in a holistic manner at a national, regional and global level;
- Continuing to promote and raise awareness, within the framework of the Post-2015 Development Agenda process, of the importance of freedom of expression and media development for a sustainable democratic society;
- Providing input for the ten-year review of the World Summit on the Information Society, by the UN General Assembly in 2015. UNESCO has had a leading role in the current WSIS implementation phase. Regardless of the outcomes of the High Level Meeting on the WSIS review, UNESCO will have an important role in fields such as the promotion of a free, open and safe Internet and free, independent and pluralistic media, which enable the empowerment of citizens, respect for human rights and possibilities for education for all;
- Encouraging and supporting organizations from developing countries to participate on an equal footing in these debates and enabling them to have a voice in the global discussions and in shaping the future agenda of digital development.

We also believe that it is important to further develop the current global Internet governance debate, including maintaining the IGF as a central forum for this debate. We find that the adoption of the multi-

stakeholder model, its sustained use and the Internet Governance Forum (IGF) are key outcomes from the WSIS. Also the outcome of NETmundial, held in April 2014, further highlighted the importance of the multi-stakeholder approach.

3. Complementing comments on clusters of issues in the questionnaire

Access

- Open, unrestricted and uncensored access to Internet content must be guaranteed, including aspects such as accessibility and affordability. Media and information laws and regulatory frameworks must support freedom of expression, and filtering and censorship should not take place. Any restrictions must be in line with international human rights law. The Internet should not be divided into various regional or national Internets. The universality of the Internet is one of its most significant qualities.
- As a first step, reinforcing freedom of speech in a digital environment necessitates guaranteeing access to the relevant technology and the Internet and that people are able to utilize it. Opening up opportunities for meaningful, affordable access almost universally necessitates some role for state intervention, the most important being the development of proper regulation.
- Inclusion of marginalized and vulnerable groups should be made central. Meaningful strategies for digital inclusion need to be based on the possibility of vulnerable groups to participate in the development of policies and strategies, i.e. get their voices heard from the very beginning. Specific measurable targets for inclusion need to be set. This entails a global initiative to ensure that media and information literacy is included in educational curricula at all levels. The relationship to civic and cultural literacies is also important.
- Additionally, the accessibility of information should be considered, taking note of linguistic diversity and users with disabilities. It is also important to take into account the economic aspects of accessing information. In addition, to promote affordability, a proper balance between private and public interests should be carefully sought. This applies for example to open access to scientific information and knowledge and educational resources and opening up public data. Developing countries are still dependent on scientific knowledge produced elsewhere, and they often lack resources to invest in costly educational resources. Innovative public-private partnerships should be spread further and open access publishing further promoted.
- Education is a key enabler for many things, including meaningful use of the Internet. This specifically applies to media and information literacy, which should be integrated into all levels of education. Educational practices are increasingly shaped by the Internet and its potential for expanding opportunities for learning. We should take full advantage of these opportunities.
- Furthermore, promoting local content creation is an important aspect of ensuring access. The role of individuals, communities and civil society in general alongside more traditional private and public media is important. Citizens should be given the opportunity to become active participants in content creation and in the media landscape in general, another aspect for which increased media and information literacy is critical.

Freedom of expression

- The respect of human rights and fundamental freedoms as proclaimed in the Universal Declaration of Human Rights, including the right to freedom of opinion and expression.
- The same human rights, responsibilities and obligations that apply in the physical world should also apply in the digital world.
- The increasing demands for regulation, management and control as well as the use of censorship and surveillance in some countries risk creating a new digital divide between those who enjoy freedom of expression and freedom of information and those who do not. Ensuring people's freedom of expression online is the best way to counter the abuse of authoritarian regimes on the Internet.
- There are a number of threats to freedom of expression and freedom of information on the Internet. Unwarranted restriction of these rights may be done through censorship, self-censorship, monitoring and filtering and blocking of content. The kind of comprehensive "shutdown" of the Internet that has occurred in some countries is, in our view, a breach of the right to freedom of expression and freedom of information, as referred to in Article 19 of the International Covenant on Civil and Political Rights and Universal Declaration of Human Rights respectively.
- In order for people to become active recipients and creators of information, and thus exercise their right, they are required to have an understanding of the conditions of the information society as well as the ability to deal with the new technology. Strengthening people's media and information literacy is an important part of ensuring freedom of expression on the Internet.

Privacy

- The right to privacy is well-established in both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Overall Internet governance and regulatory frameworks must reflect universally accepted human rights to protect privacy.
- Having the right to be anonymous online is important for being able to take full advantage of the right of freedom of speech. Only under certain circumstances, such as for law enforcement purposes and after decisions of a competent authority with due legal capacity, should it be possible to identify a person who wants to be anonymous online.
- Practices in many states have revealed a lack of adequate legislation and/or enforcement, weak procedural safeguards, and ineffective oversight. Discussions are on-going in many countries regarding the need for increased transparency, accountability, etc. Metadata can provide benefits but it merits stronger privacy protection than it currently enjoys under many national legal frameworks.
- Surveillance, whether for intelligence collection or criminal investigation, must be performed within the framework of international human rights law. It should follow the basic principles of rule of law: legality, legitimate aim, necessity and adequacy, proportionality, decisions taken by a competent authority with due legal capacity, transparency and public oversight.
- While ensuring respect for human rights is the responsibility of the state, the private sector should strive to respect the right to privacy. The UN Guiding Principles on Business and Human Rights is the most important guide to helping the private sector in this regard.
- The private sector should inform users how information about them is used. Companies should provide transparency regarding their information collection practices, respecting national legislation.

Ethics

- Any considerations on ethical dimensions in the information society need to be based on international law and human rights.
- The same human rights, responsibilities and obligations that are applied in the physical world should also apply in the digital world.
- A multi-stakeholder model of Internet governance provides the best platform to tackle future challenges.
- As for the individual user of the Internet, media and information literacy skills can contribute to ensure an open and respectful discourse.