A Human Rights Based Approach to the Internet: New Norms and Challenges

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Human rights and the Internet: Links and Expectations

- Our understanding of human rights has entered a new era with the development of the Internet.
- UDHR Article 19: *Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*
- A vision of the Internet as a free space for communication, creativity, empowerment, and sharing of information, and building on borderless connectivity.
- Internet central today for expression, knowledge, ability to network and participate in political affairs. Enabler of social and economic rights, and necessary for individual development in the information society.
- Human rights potentials: more possibilities to speak out against and document injustices, human rights violations, and official misconduct, that bypass traditional gatekeepers
- Access to the Internet a human right?

Internet and human rights: Dangers and challengers

- The long decline of online freedom according to Freedom House, *Freedom on the Net* 2016.
- Violations of freedom of speech, rights to privacy and dangers of surveillance, hate speech, sexual harassment etc.
- Increasing number of countries censor the Internet through arbitrarily blocking or filtering content, criminalizing legitimate expression, imposing intermediary liability on ISPs, disconnecting users from Internet access, engaging in cyber attacks, and inadequately protecting people's right to privacy.
- Arrests of bloggers and surveillance of activists in many different countries.

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Linking human rights and the Internet: Numerous initiatives since 2010

- A change around 2010/2011: Hilary Clinton's speech on Internet freedoms, Arab spring.
- Civil society activists and other communities working to secure online freedoms (Article 19, Freedom House, Electronic Frontier Foundation, Privacy International).
- UN Internet Governance Forum IGF (2006-) has since ca 2010 begun to put human rights at the heart of Internet design, access and use.
- The Internet Rights and Principles Dynamic Coalition (based at the IGF 2008-) is working to uphold human rights on the internet and to root internet governance processes and systems in human rights standards. IRP Charter.
- International Principles on the Application of Human Rights to Communications Surveillance (2013) necessaryandproportionate.org
- Global Commission on Internet Governance (GCIG 2014-), report One Internet (2016).

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Internet put on the UN human rights agenda

- 2011 report by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. "…there should be as little restriction as possible to the flow of information via the Internet, except in a few, exceptional, and limited circumstances prescribed by international human rights law." A/HRC/17/27, 16 May, 2011.
- Resolution passed by the Human Rights Council in 2012. "Affirms that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with articles 19…"
- UN General Assembly Right to Privacy in the Digital Age 2013, Human Rights Council resolution March 2017, The Right to Privacy in the Digital Age (A/HRC/34/L7/Rev.1).

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Human Rights Council resolution (A/HRC/32/L.20) June 2016: Different views and visions

- Resolution on the promotion, protection and enjoyment of human rights on the Internet. Stressing the importance of an accessible and open Internet to the achievement of the Sustainable Development Goals, and calling for accountability for extrajudicial killings, arbitrary detentions and other violations against people for expressing themselves online.
- Joint initiative by countries including Brazil, Sweden, and the United States of America, adopted by consensus but facing opposition from countries such as the Russian Federation and China.
- The Russian Federation and China suggested amendments that would have substantially weaken the resolution. For example taking out key language from the International Covenant on Civil and Political Rights on the right to freedom of expression "regardless of frontiers" and "through any media of one's choice". Also suggested deleting calls for states to adopt a "human rights based approach" in work to expand access to the Internet.

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Conclusion: Challenges over visions for the Internet

- Human rights under challenge in the digital age.
- A contested issue in Sino-American relations since 2010 (what will happen under president Trump?)
- China using the cyber sovereignty principle to block and censor 'harmful content' (national security trumps freedom of speech).
- China and Russia comrades-in-arms? In the UN on human rights and Internet. Similar views on cyber sovereignty etc. Sino-Russian cybersecurity forum (2016) and collaboration.
- Three Possible Futures of the Internet (according to GCIG 2016): 1) A Dangerous and Broken Cyberspace; 2) Uneven and Unequal Gains; 3) Broad, Unprecedented Progress.
- From cyberutopianism to cyberdystopianism, to cyberrealism?
- Struggles to protect online freedoms, right to privacy and other rights will need to continue!

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