

**TOWARDS AN INFORMATION AND COMMUNICATION SOCIETY
RESPECTFUL OF CIVIL AND POLITICAL RIGHTS,
AS WELL AS ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF CITIZENS**

**Human Rights in the Information Society (HRIS) Caucus
May 31, 2003**

Input Document to the intersessional meeting of July 15-18, 2003, Paris, France

Introduction

This document contains the comments and contributions of the members of the Human Rights in the Information Society (HRIS) Caucus, formed by the end of WSIS PrepCom1 by civil society organizations. It is intended as providing first recommendations as inputs to the intersessional meeting of July 15-18 in Paris, France.

The HRIS caucus pursues its work towards a consistent interpretation and translation of relevant rights guaranteed by both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as outlined in this document.

Guidelines for a Human Rights Approach

The development of an information and communication society has to build on a core set of principles that are fundamental for democratic societies. International human rights (HR) standards represent such principles and should serve as the international framework guiding regional and national policies and actions. A human rights approach would imply:

- Reference to the International Covenant on Civil and Political Rights, as well as the International Covenant on Economic, Social and Cultural Rights, in the WSIS Declaration;
- Reference to the enforcement of Articles 1 and 2 of the Convention of the Elimination of All forms of Discrimination Against Women, which substantively promotes the principles of equality and equality of results, and the principle of non-discrimination, in recognizing the centrality of gender equality to social, political and economic equity;
- Underlining the importance of HR standards as the core set of principles guiding the development of the information society;
- Taking human dignity and human needs as the starting point of reference rather than technological considerations;
- Using the improvement of HR standards such as human and social development, democracy and participation as focus points for setting goals and measures for progress;
- Ensuring basic human rights principles such as equality and anti-discrimination on all levels of policy and action plans. This implies stressing access, empowerment and integrity not least for vulnerable and marginalized groups;
- Recognizing that respect for, and strengthening of, the right to freedom of expression and access to information is crucial for creating a democratic information society;
- Stressing the right to education as essential for the eradication of poverty and for strengthening local capacity;
- Recognizing that security measures should always be consistent with the right to privacy;

- Stressing commitment to build better democracy based on a higher degree of transparency, enhanced participation and good governance at national, regional and global levels;
- Promoting the development of an enabling environment where national ICT policy and legislation are implemented with due respect for human rights principles.

Need for a consistent articulation of rights

The HRIS caucus believes that it is not sufficient to assert that “the essential requirements for the development of an equitable Information Society” should be “in accordance” with Article 19 of the United Nations Declaration of Human Rights. Instead, the document should declare once and for all that Article 19 must be enforced. In addition, the principles of a better balanced flow of information, free circulation of ideas, press freedom, participation in the communication process, and knowledge sharing will become truly meaningful only when they are viewed as being supported by a consistent articulation of rights, not just Article 19.

Recognition of information and communications as public common goods

Moreover, the HRIS caucus considers that an information and communication society should be developed in order to guarantee democratic and equitable access and participation. This implies to acknowledge and declare information and its means of production, management and circulation as common goods towards which each social actor have rights and responsibilities, in order to ensure the minimal equitable conditions for the overall development of intellectual creativity, technological innovation, effective technology use and successful participation in the information and communication society.

Democratic governance and human rights enforcement

Finally, the HRIS caucus reaffirms that an information and communication society good governance must be based on the values of participation, transparency, accountability and the rule of law. This implies in particular the democratic management of international bodies dealing with ICTs. Given the borderless characteristics of ICTs, an appropriate framework for establishing the competence of jurisdictions should also be elaborated, so as to ensure the respect of principles of democracy, legality and sovereignty.

Relevant rights from the UN International CCPR and CESC

To these ends, the HRIS caucus recommends that the international human rights, adopted in both the International Covenant on Civil and Political Rights (CCPR) and the International Covenant on Economic, Social and Cultural Rights (CESCR) should be precisely translated within the specific framework of information and communication, into precise guarantees defined in the WSIS Declaration of principles and Action plan, following three main axes: the need for a consistent articulation of rights, the recognition of information and communication as public common goods, and the development of mechanisms ensuring democratic governance human rights enforcement in concert.

Of particular relevance to the development of an information and communication society are translations of the following rights:

- Right to a fair trial, to the presumption of innocence and to be equal before the law (CCPR Articles 14 and 26)

- Rights to privacy, specially against interference with private correspondence (CCPR Article 17)
- Right to freedom of expression, to hold opinions without interference, and to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, through any media (CCPR Article 19)
- Right to be protected against any form of discrimination or hate incitement (CCPR Article 20)
- Right of peaceful assembly and to freedom of association with others, including the right to form and join trade unions for the protection of his interests (CCPR Articles 21 and 22)
- Right to take part in the conduct of public affairs (CCPR Article 25)
- Right for minorities to enjoy their own culture and to use their own language (CCPR Article 27)
- Right for peoples to self-determination, in particular to freely determine and pursue their economic, social and cultural development (CESCR Article 1)
- Right for men and women to equally enjoy all economic, social and cultural rights (CESCR Article 3, CEDAW Articles 1 and 2)
- Right to form and join trade unions, right of trade union to function freely, and right to strike (CESCR Article 8)
- Right to education and knowledge (CESCR Article 13)
- Right to participate in the cultural life, to enjoy the benefits of scientific progress and its applications, to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author, to benefit from the development and the diffusion of science and culture, to benefit from the respect of the freedom and international cooperation indispensable for scientific research and creative activity (CESCR Article 15)

Example of translation of rights in the WSIS context

Right to education and knowledge implies:

- Everyone must be able to acquire basic information and electronic education, in order to be able to master social transformations in all their practical and civic aspects;
- The respect of intellectual property should not prevail on the right to education and knowledge. This right must indeed be exercised through the concept of fair use, i.e. use for non-commercial purposes, education, and research;
- Intellectual work and ideas, including programming methods and algorithms, should not be patentable. The production and use of free and open software and content must thus be encouraged and covered by public policy;
- Access to public data without charge is a necessary condition so that everyone has the means to exercise his citizenship;
- Access to infrastructure under acceptable economic conditions must be guaranteed, by supporting the possibility of being a provider as well as a consumer of information. This guarantee implies the negotiation of agreements for the contractual connections between the areas of the world and the States of these areas, whose cost must equitably be shared. This also implies the existence and the sustainability of local telecommunication operators.

About the Human Rights in the Information Society Caucus

The Human Rights in the Information Society (HRIS) Caucus has been formed by the end of PrepCom1 by civil society organizations in order to ensure that human rights are duly taken into account in the WSIS process by governments as well as by NGOs.

Its objectives are:

1. Putting human rights on the agenda of the WSIS. Human rights are intended, as defined in the UNDH, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, as civil and political rights of citizens, as well as their economic, cultural and social rights.
2. Developing detailed inputs and contributions on how Human rights, as broadly defined, can be precisely translated within the specific framework of information and communication, in order to build a common vision of this society.
3. Raising awareness of NGOs and the public on the importance of addressing human rights in the information society, having noted that major organization dedicated to promoting Human Rights in the Information Society are not yet part of the WSIS process. This is also the case of general-purpose human rights organization, as well as trade unions.

Current members of the HRIS caucus are:

- American Civil Liberty Union (ACLU). www.aclu.org
- Article19. www.article19.org
- Association for Progressive Communications (APC). www.apc.org
- Carrefour Mondial de l'Internet Citoyen (CMIC). www.globalcn.org
- Computer Professionals for Social Responsibility (CPSR). www.cpsr.org
- Consumer Project on Technology (CPTech). www.cptech.org
- Cyber-Rights and Cyber-Liberties (CR&CL UK). www.cyber-rights.org
- Danish Institute for Human Rights. www.humanrights.dk
- Danish United Nations Association (UNA-DK). www.una.dk
- Digital Rights Denmark. www.digitalrights.dk
- Electronic Privacy Information Center (EPIC). www.epic.org
- Int. Centre for Human Rights and Democratic Development (ICHRDD). www.ichrdd.ca
- Imaginons un Réseau Internet Solidaire (IRIS). www.iris.sgdg.org
- Organisation Mondiale Contre la Torture (OMCT). www.omct.org
- Panos London. www.panos.org.uk
- PromoCulture/Centre Africain d'Echange Culturel
- U.S. National Comm. on Libraries and Information Science (NCLIS). www.nclis.gov
- Vancouver Community Net (VCN). www.vcn.bc.ca
- VIBE!AT. www.vibe.at

Coordinators of the HRIS caucus are:

- Meryem Marzouki, IRIS, France (Meryem.Marzouki@iris.sgdg.org)
- Rikke Frank Jorgensen, Danish Institute for Human Rights, Denmark (rfj@humanrights.dk)

Web site and mailing list of the HRIS caucus: www.iris.sgdg.org/actions/smsi/hr-wsis/