

Human Rights Caucus on Behalf of the Plenary of Civil Society
Speech before the Intersessional Meeting of WSIS, July 15-18, Paris
July 18, 2003

Madame Chairperson,
Distinguished delegates

On the last day of this inter-sessional meeting, the assembly of civil society organisations present here in Paris mandated the Human Rights Caucus to speak on their behalf, to express our general impressions about this week's meeting.

We are well aware of the extensive work that has been accomplished. We truly appreciate the opportunity that civil society organisations, in all their diversity, have had to intervene in the plenary. We would have liked today to share our detailed reactions to the Declaration of Principles and the Plan of Action. Unfortunately, the discussions underway and the current status of the texts that have been negotiated, have left us with a profound sense of disappointment and frustration.

Our participation in the WSIS process has been intense, in both human and financial terms, and many people of course have been unable to participate, notably from the poorest countries. Despite these constraints, civil society has produced many contributions to this meeting. We have offered diverse and practical recommendations. We have spoken about our suggestions with you, but we do not have the feeling we have been heard, or even listened to. Our legitimacy is not the same as yours, and we do not claim to be representative. Our legitimacy is anchored in our expertise, our field experience and our defense of a vision with public interest at its centre. We do not feel that this has been recognized or taken into account thus far.

The result of this lack of openness is particularly worrisome. We fear that the Draft Declaration of Principles will represent a major setback with regards to rights and principles which have previously been agreed upon in international fora.

In Paragraph one, you state as representatives of the world's people, your wish to build 'a new kind of society'. We are asking you to clearly re-affirm your commitment to building an information and communication society that is based on human rights and human dignity. We are asking you to re-affirm in this context the principles of the universality and indivisibility of all human rights, and their centrality for democracy, the rule of law and sustainable development.

Our worst fears are confirmed in reading paragraph 21-22, in which Article 19 of the Universal Declaration of Human Rights is re-written, with no reference to its source, amputating the section that guarantees that freedom of expression shall be exercised *without interference of any kind, regardless of frontiers*. This threatens not only the rights of all individuals to freedom of expression, information and communication, but also press and other media freedoms.

We note a similar regression with regard to several other rights. What is meant by the *rule of law* (38A) if it must be accompanied by ‘flexible’ regulation, ‘taking into account national realities’? We support the call for strengthening gender equality and are astounded that this is even a debate. Likewise for the right to privacy, a right that is clearly identified in the Universal Declaration of Human Rights (art. 12). With regards to intellectual property, we are very concerned to note that the Declaration of Principles, in keeping with the tendency of the TRIPS agreement, breaks the delicate balance of article 27 of the UDHR between the rights of authors and the rights of all people to share in scientific advancement and its benefits. Worse still, the Declaration does not even refer to authors or creators, but only to rights owners.

We do not have time here to detail all our worries with regard to rights which in the context of this Summit can be characterized as communication rights. Organizations from civil society will continue to express their views and to propose language that we think meets international human rights standards in the hope of being able to effectively contribute to your discussions.

We remind you that in 1948, a little more than 50 years ago, a very strong vision of the future was adopted in the Universal Declaration of Human Rights. Today, with the information and communications techniques we have available to us, we have important tools to help us realize that vision. Rather than express our enthusiasm for your work, we are obliged to express our fear that you are abandoning that vision, replacing it with technical and technocratic considerations. Instead of progressing towards the full realization of already recognized rights, we are warning you of the danger of real regression.

As we prepare for the third and final prep com of this Summit, we hope that the vision of 1948 will not be betrayed and that heads of state will be proud to proclaim in December 2003 a true project for the future, one that fully respects all human rights.

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