

Internet Governance Forum
Nomination and comments in relation to the MAG
WSIS Civil Society Human Rights Caucus
April 18, 2006

Introduction

The WSIS Civil Society Human Rights Caucus (HR Caucus) has been active in the WSIS framework since its creation in 2002, and currently consists of more than 65 national and international human rights organizations. As stressed in the HR Caucus contribution to the Internet Governance Forum (IGF) of 31 March 2006, the caucus has decided to remain involved in post-WSIS developments. This involvement includes both the IGF activities and the post-WSIS Action lines developments.

The baseline of HR Caucus' work is to secure that any information society policy respect and protect human rights and the rule of law. This includes civil and political rights as well as economic, social and cultural rights, and the right to development.

Nomination of candidates for the IGF Advisory Group (MAG)

As stressed time and again during the WSIS process, and in the WSIS outcomes from both the Geneva and Tunis Summit, human rights are foundational to the development of the information society.

It is thus crucial that the WSIS follow up mechanisms address and include human rights expertise and experience. Any information society policy must comply with international human rights standards, and seek to advance the realization of these in order to make the political goals of WSIS a reality for all.

In order to secure human rights expertise within the MAG and support for HR Caucus concerns as expressed in its contribution to IGF substantive agenda setting, the HR Caucus would like to nominate the following three candidates, which are all active members of the HR Caucus (in alphabetic order).

- Robin D. Gross
- Rikke Frank Joergensen
- Cedric Laurant

The full nomination information is attached to this document.

Comments on the mandate and process around the MAG

The HR Caucus wishes to point to some critical areas in relation to the mandate and process around the MAG, which should be addressed as soon as possible in order to secure well-defined and transparent modalities for the MAG including its interaction with the IGF.

The MAG mandate

The precise role and responsibility of the MAG is not clear at the moment. For instance is it unclear to which extent the group will primarily facilitate the convening of the first

Internet Governance Forum in terms of process, or whether it will be decisive in selecting and prioritizing issues for the forum. The HR Caucus would like to stress that the existence of the MAG should not prevent the necessary openness of the IGF to potential discussions on all issues that need coordinated governance, through an ongoing process organized around thematic working groups and the holding of dedicated workshops. In other words, the HR Caucus believes that the MAG should by no means become the central and major place of the IGF activities.

Also, the mandate of the members is somewhat unclear. On the one hand it is a group of experts selected in their personal capacity, thus not representing any constituency, on the other hand the members are explicitly said to represent various stakeholder groups, but with no specification on what this implies in terms of coordination and communication to and with this stakeholder group. If not addressed explicitly and up-front, these inaccuracies might lead to failures in transparency and accountability of the MAG and its members, with the risk of undermining their legitimacy.

The HR Caucus therefore recommends that a term of reference paper for the MAG and its members, addressing these issues, is conducted and distributed as soon as possible

Selection of MAG members

In order to secure an open and transparent process, the HR Caucus urges that the nominations received by the IGF and the criteria for selection of MAG members are made public. This is in line with current standards for good governance.

Language

Information on the IGF and MAG process has so far primarily been carried out in English (see www.intgovforum.gov), leaving aside non-English speakers. The HR Caucus recommends that, as a minimum, information should be provided in other UN languages.

Funding

There is currently no information available regarding funding to participate in the MAG (travel etc.). This poses a serious problem, especially for less developed countries and for small organizations from around the world.

The HR Caucus urge that information on funding is included in the MAG term of reference mentioned above, including some means for assistance for smaller organizations.

Information on the WSIS CS HR Caucus and Contact Points

Website: <http://www.iris.sgdg.org/actions/smsi/hr-wsis>

Mailing list public archives: <http://www.iris.sgdg.org/actions/smsi/hr-wsis/list/>

Co-chairs:

- **Rikke Frank Joergensen**

The Danish Institute for Human Rights, Denmark

rfj@humanrights.dk

- **Meryem Marzouki**

Imaginons un Réseau Internet Solidaire, France

Meryem.Marzouki@iris.sgdg.org

Name of recommended candidate to the MAG: Rikke Frank Joergensen

Name of nominator (or self): WSIS Civil Society Human Rights Caucus (contact: Meryem Marzouki, co-chair, Meryem.Marzouki@iris.sgdg.org)

Nationality: Danish

Country of Residence: Denmark

Gender: Female

Short Bio relevant to IG:

Rikke Frank Joergensen is employed as Special Adviser at The Danish Institute for Human Rights working with national human rights protection. She was adviser to the Danish Delegation to the World Summit on the Information Society (2003-2005) and is co-coordinator of the WSIS civil society's human rights caucus. In 2000 she co-founded the Danish NGO Digital Rights, and is currently on their board. She also serves on the board of European Digital Rights, and the Advisory Board of Privacy International. Rikke Frank Joergensen has authored a number of articles and presentations on human rights implications of the information society, and is editor of the forthcoming "Human Rights in the Global Information Society" (MIT Press May 2006).

Rikke Frank Joergensen has previously been employed as a special adviser in the Danish Ministry of Science and Technology, dealing with the social impacts of information technology. Rikke holds a Master in Information Science and a European Master in Human Rights and Democratization, specializing in Internet and freedom of expression.

Why the (self) nominee is a good choice for the MAG:

The WSIS Civil Society Human Rights Caucus, which includes more than 65 members, international and national civil society organizations from all around the world, has been one of the most active CS constituencies during WSIS both phases. It has decided to remain involved, as a caucus, in post-WSIS developments, to ensure that the WSIS commitment to an information society respecting and protecting human rights and the rule of law will also be the guiding principle for the governance of this information society. The caucus contribution to IGF substantive agenda setting has been proposed in this light.

As a caucus co-chair since its creation in 2002, and willing to serve on the MAG, Rikke Frank Joergensen will be able to help the IGF put into practice, in the information society context, the interrelation and interdependence of all human rights, civil and political rights as well as economic, social and cultural rights, and the right to development.

Willingness to serve on MAG: Confirmed

Name of recommended candidate to the MAG: Robin D. Gross

Name of nominator (or self): WSIS Civil Society Human Rights Caucus (contact: Meryem Marzouki, co-chair, Meryem.Marzouki@iris.sgdg.org)

Nationality: US citizen

Country of Residence: United States

Gender: Female

Short Bio relevant to IG:

Robin D. Gross is an attorney in San Francisco, California. She is the Founder and Executive Directive of IP Justice an international civil liberties organization that promotes balanced intellectual property law and protects freedom of expression. Ms. Gross advises policy makers throughout the world on the impact of intellectual property rules in national legislatures, international treaties, and trade agreements. Before founding IP Justice in 2002, Ms. Gross was the first Staff Attorney for Intellectual Property with cyber-liberties organization the Electronic Frontier Foundation (EFF), where she began the group's campaign in intellectual property issues in 1999.

Ms. Gross teaches international copyright law at Santa Clara University, where she also serves as a member of the Santa Clara University School of Law High Technology Legal Advisory Board.

Ms. Gross is a Member of the ICANN GNSO Policy Council, representing the Non-Commercial Users Constituency (NCUC). She sits on the Board of Directors for the Union for the Public Domain, a nonprofit organization in Washington, D.C. that is dedicated to protecting the public domain.

A graduate of Santa Clara University's High Technology Law Program, Ms. Gross is licensed to practice law in California. A Michigan native, she graduated from Michigan State University's James Madison College in 1995 with degrees in political philosophy and international relations.

Why the (self) nominee is a good choice for the MAG:

Robin D. Gross has been working to protect digital rights since 1999 and has developed a fundamental understanding of the key policy and technical issues in the online world.

She has been an active participant of both phases of the World Summit of the Information Society (WSIS). She is a participant of the WSIS Civil Society Patents, Copyrights, and Trademarks (PCT) Working Group and the WSIS Human Rights Caucus. Her additional experience at ICANN as representative of NCUC and at WIPO as a civil society observer, makes her a particularly good candidate to help deal with Internet governance issues towards the global public interest, inclusion, and respect of civil rights, in line with the WSIS Civil Society Human Rights caucus recommendations.

Willingness to serve on MAG: Confirmed

Name of recommended candidate to the MAG: Cédric Laurant

Name of nominator (or self): WSIS Civil Society Human Rights Caucus (contact: Meryem Marzouki, co-chair, Meryem.Marzouki@iris.sgdg.org)

Nationality: Belgian

Country of Residence: United States

Gender: Male

Short Bio relevant to IG:

Cédric Laurant is an attorney and international privacy policy expert in Washington, D.C. He is the Director of the International Privacy Project, and Policy Counsel since 2001, with the Electronic Privacy Information Center, a public interest research center in Washington, D.C.. Cédric Laurant has advised policy makers on privacy issues and comparative policy and legal aspects of privacy regimes in Europe, the United States and Canada, Latin America, Africa and the Middle East. He has testified before the U.S. Congress and the European Parliament. He is actively participating to the negotiation of the APEC Privacy Framework and its implementation scheme. He is the main editor of "Privacy and Human Rights" 2003, 2004 and 2005, EPIC's comprehensive international survey of privacy laws and developments in the world.

Cédric Laurant has organized coalitions with several NGOs around the world on issues of global significance for the right to privacy, consumer protection and emerging international privacy issues in Europe, Latin America and Africa. He coordinated EPIC's advocacy actions within international coalitions of consumer privacy and human rights advocates around the world. He is a member of the Asia-Pacific Privacy Charter Council and the International Working Group on Data Protection in Telecommunications. Through EPIC, he is active within several organizations, including the Organization for Economic Cooperation and Development (OECD) and the Asia Pacific Economic Cooperation (APEC).

Cédric Laurant holds a *licence en droit* (law degree) from the University of Louvain, a Master of Laws from Columbia University School of Law, a European Master of Arts in Science, Technology and Society (London), and a Diploma in Print and Broadcast Journalism (Brussels). He is licensed to practice law in the District of Columbia and is a member of the D.C. Bar. He is a native French speaker, fluent in English and Spanish, and proficient in Dutch and Portuguese.

Why the (self) nominee is a good choice for the MAG:

A member of the caucus and active throughout the WSIS process, Cédric Laurant has developed since 1999 a thorough understanding of the key policy and legal privacy issues in the online world and especially at an international level. His experience as a CS observer at several international fora where privacy and other human rights topics have been discussed, and his legal background in both European civil law and US common law, specially allow him to deal with privacy and civil liberties issues in the IGF context, in line with the caucus recommendations.

Willingness to serve on MAG: Confirmed