

Open Letter to Member and Observer States of the UN Human Rights Council (HRC)

Support resolution on the promotion, protection and enjoyment of human rights on the internet (A/HRC/32/L.20)

29 June 2016

Your Excellency,

The undersigned organisations working to promote and protect human rights online, call on your delegation to support the adoption of a strong and consensus resolution on “the promotion, protection and enjoyment of human rights on the Internet” (A/HRC/32/L.20). The resolution is the joint initiative of Brazil, Nigeria, Sweden, Tunisia, Turkey, and the United States of America.

We urge all delegations to cosponsor the draft resolution, and urge HRC Member States to reject proposed amendments aimed at weakening it, and vote in favour of the resolution if a vote is called.

The HRC has affirmed twice by consensus that “the same rights that people have offline must also be protected online” (A/HRC/res/26/13, June 2014; A/HRC/res/20/8, June 2012). In the digital age, it is imperative that the HRC maintains consensus support for this fundamental principle.

The draft resolution, following the adoption of the Agenda 2030 for Sustainable Development, is timely in identifying the vast opportunities the Internet presents for the promotion of human rights and the advancement of sustainable development. It also identifies challenges all states must address to promote and protect human rights online.

In particular, the draft resolution:

- Recognises that a global and open Internet is a driving force in accelerating progress towards the achievement of the Sustainable Development Goals. In particular it calls for States to bridge the gender digital divide, requesting the High Commissioner to prepare a report to provide guidance in this regard, and to promote Internet access for persons with disabilities;
- Stresses the importance of a human rights-based approach in providing and expanding access to the Internet, and recognises civil society and the technical community as key stakeholders in the promotion and protection of human rights online;
- Unequivocally condemns and calls on States to ensure accountability for all human rights violations and abuses committed against persons for exercising their human rights online, including for extrajudicial killings and arbitrary detention;
- Unequivocally condemns “measures to intentionally prevent or disrupt access to or dissemination of information online” and calls for States to refrain from and cease such practices.

However, four amendments to the draft resolution tabled by the Russian Federation and China (L.85 – L.88) would if adopted together, significantly weaken the resolution. This includes proposals that would:

- Delete reference to the Universal Declaration of Human Rights (UDHR) and Article 19 International Covenant on Civil and Political Rights (ICCPR) language on the application of the right to freedom of expression “regardless of frontiers” and “through any media of one’s

choice” (Amendment L.86). These elements of the ICCPR, a treaty widely ratified by states, are central to the Human Rights Committee’s interpretation of the application of the right to freedom of expression online. It is also consensus language unchallenged in two previous HRC resolutions on this topic. Additional references to the right to privacy in the draft resolution, also suggested in the amendment, should not come at the expense of detailed references to the right to freedom of expression or the UDHR.

- Delete references to a “human rights based approach” in providing and expanding access to the Internet, including in relation to bridging various forms of digital divide (Amendment L.87). Underpinning the expansion of Internet access with a human rights based approach is essential to ensure the benefits of Internet access are universal, non-discriminatory, and facilitate the exercise of human rights online for all people. A human rights based approach requires addressing economic, social and cultural barriers to access, and respecting the right to privacy to ensure trust in technology.
- Undermine the intended focus of the draft resolution on protecting human rights online, in particular freedom of expression, by adding additional language to the preamble concerning “hate speech” online (Amendment L.88). This suggested addition is not necessary as it duplicates in narrower terms existing language in the draft resolution stressing the importance of promoting tolerance and dialogue in combating “advocacy of hatred that constitutes incitement to discrimination or violence on the Internet”. The positive focus of the draft resolution is further diluted by attempts to add references to a separate HRC initiative on child sexual exploitation (Amendment L.85).

We therefore ask that your delegation cosponsor the resolution on the “the promotion, protection and enjoyment of human rights on the Internet”, oppose all four proposed amendments, and vote in favour of the resolution if a vote is called.

Yours sincerely,

| |
|--|
| ARTICLE 19 |
| Access Now |
| Africa Freedom of Information Centre |
| African Internet Governance and Open Government Data Research Foundation Institute |
| Albanian Media Institute |
| Algorithm Watch |
| Amnesty International |
| Arabic Network for Human Rights Information |
| Association for Free Thought and Expression |
| Association for Progressive Communications (APC) |
| Bloggers Association of Kenya (BAKE) |
| Bytes for All, Pakistan |
| Cairo Institute for Human Rights Studies |
| Canadian Internet Policy & Public Interest Clinic |
| Candid Concepts Development Agencies, Bahamas |

| |
|---|
| Center for Democracy & Technology |
| Center for Inquiry |
| Centre for Law and Democracy |
| Center for the Development of Democracy and Human Rights |
| Centro de Estudios en Libertad de Expresión y Acceso a la Información CELE de la Universidad de Palermo |
| CIVICUS: World Alliance for Citizen Participation |
| La Coalition Burundaise des défenseurs des droits humains |
| Committee to Protect Journalists |
| DefendDefenders (East and Horn of Africa Human Rights Defenders Project) |
| Digital Rights Watch |
| Electronic Frontier Finland |
| Electronic Frontier Foundation |
| ENDA Tiers Monde (Environment Development Action in the Third World) |
| European Center for Not-for-Profit Law |
| Forum pour le Renforcement de la Société Civile - Burundi |
| Foundation for Media Alternatives (Philippines) |
| Foundation for Press Freedom (FLIP), Colombia |
| Free Press Unlimited |
| Global Forum for Media Development |
| Global Integrity |
| Global Partners Digital |
| Gulf Centre for Human Rights (GCHR) |
| Human Rights Movement "Bir Duino-Kyrgyzstan" |
| Human Rights Watch |
| i Freedom Uganda Nwtwork |
| Imagining the Internet Center |
| International Modern Media Institute |
| International Center for Not-for-Profit Law |
| International Commission of Jurists (ICJ) |
| International Federation of Library Associations and Institutions (IFLA) |
| International Media Support (IMS) |
| International Press Institute |
| International Service for Human Rights (ISHR) |
| Internet Freedom Foundation (India) |
| iRights, Germany |

| |
|---|
| IT for Change, India |
| JasHim Foundation |
| Kenya ICT Action Network (KICTANet) |
| Korean Progressive Network Jinbonet |
| Lawyers for Justice in Libya |
| Media Matters for Democracy, Pakistan |
| Media Rights Agenda |
| National Coalition of Human Rights Defenders - Burundi |
| Nazra for Feminist Studies |
| One World Platform |
| OpenMedia |
| Pakistan Press Foundation |
| PEN Bangladesh |
| PEN Canada |
| PEN International |
| PEN Philippines |
| PEN South Africa |
| Public Knowledge |
| Punto24 |
| Privacy International |
| Reporters Without Borders (RSF) |
| Le Réseau des Citoyens Probes - Burundi |
| Sinar Project |
| Soroptimist International |
| SumOfUs.org |
| Universal Rights Network |
| Unwanted Witness Uganda |
| Urdu Internet Society & Internet Governance Forum of Pakistan |
| Vietnam Committee on Human Rights |
| Viet Tan |
| World Movement for Democracy |
| World Wide Web Foundation |
| Zimbabwe Human Rights NGO Forum |