

IGF 2016 Workshop Report Template

Session Title	IGF 2016 Main Session: Connecting Human Rights: Emphasising Economic, Social and Cultural Rights for the Internet
Date	8 December 2016
Time	10:00 – 13:00, 180 minutes
Session Organizer	Jac sm Kee, APC (Malaysia); Ginger Paque, DiploFoundation (USA); Wanawit Ahkuputra, Electronic Transactions Development Agency (Thailand)
Chair/Moderator	Yolanda Martinez , Chief of the Digital Government Unit of Mexico and Host Country Moderator Anja Kovacs , Internet Democracy Project (India); Paulina Gutiérrez , Programme Officer on the Right to Information, Article 19
Rapporteur/Notetaker	Ginger Paque, DiploFoundation/Barbara Rosen Jacobson, DiploFoundation
List of Speakers and their institutional affiliations	Ms Ana Neves , Director, Department for the Information Society, Fundação para a Ciência e a Tecnologia in Portugal Mr Hernán Vales , Information Officer, UN Office of the High Commissioner for Human Rights Mr Patrick Penninckx , Head of the Information Society Department of the Council of Europe Mr Luis Fernando Garcia , Executive Director, R3D, the Digital Rights Defense Network of Mexico Mr Will Hudson , Senior Advisor for International Policy, Google Ms Paz Peña , journalist and independent researcher on human rights Ms Rebecca MacKinnon , Director of the Ranking Digital Rights Project at the New America Foundation Ms Anita Gurumurthy , Executive Director of IT for Change Mr Stuart Hamilton , Director of Policy and Advocacy and Deputy Secretary-General, International Federation of Library Associations and Institutions Mr Juan Fernandez , Senior Advisor, Ministry of Communications, Cuba Ms Sally Burch , Agencia Latinoamericana de Información Ms Carolyn Nguyen , Director of Technological Policy, Microsoft Ms Sally Wentworth , Vice President of Global Policy Development, Internet Society Ms Nanjira Sambuli , Digital Equality Advocacy Manager, Web Foundation Ms Carla Reyes , Professor at Stetson University College of Law Ms Burcu Kilic , Legal and Policy Director, Public Citizen's Access to Medicines, Innovation and Information Group Mr David Souter , independent researcher, ictDA Mr Frank La Rue , Assistant Director-General of Communication and Information, UNESCO

Key Issues raised (1 sentence per issue):	<ol style="list-style-type: none"> 1. Civil and political rights The discussants on the topic of civil and political rights were asked to reflect on the achievements, as well as emerging key issues in this area. 2. Economic, social and cultural rights - Anja Kovacs introduced this topic, arguing that ESCRs have not been extensively seen on the agenda at IG forums, and that they have traditionally received much less prominence than CPR. 3. The interconnections between CPRs and ESCRs
If there were presentations during the session, please provide a 1-paragraph summary for each Presentation	<p>Civil and political rights</p> <p>Ms Ana Neves, Director, Department for the Information Society, Fundação para a Ciência e a Tecnologia in Portugal, noted three important components:</p> <ol style="list-style-type: none"> 1. Empowering citizens to strengthen their CPRs 2. Respecting privacy and personal data 3. Addressing the interplay between content policy and freedom of expression <p>Mr Hernán Vales, Information Officer, UN Office of the High Commissioner for Human Rights, provided an overview of the milestones at the Human Rights Council over the last five years, including the growing sophistication of the Human Rights Council resolution on the promotion and protection of human rights on the Internet. As a consequence, states now know that they are being scrutinised, and they can no longer claim that there is no clear framework of human rights on issues related to the internet.</p> <p>Patrick Penninckx, Head of the Information Society Department of the Council of Europe, noted that adherence to rights and values is not a linear process, leaving the perception that we ‘go backward rather than forward’. In addition, ESCR instruments are often too outdated – stemming from the 19th century – to effectively address the changed context of the digital age.</p> <p>Mr Luis Fernando Garcia, Executive Director, R3D, the Digital Rights Defense Network of Mexico, focused on challenges to privacy, as surveillance is becoming increasingly common. He provided several examples from Mexico, and posed the question of how to make progress on this topic.</p> <p>Mr Will Hudson, Senior Advisor for International Policy, Google, Provided a view from the private sector, and highlighted three issues:</p> <ul style="list-style-type: none"> • The importance of the freedom of expression, which is not static in time, and therefore continuously needs to be addressed. • The importance of transparency to understand the ways in which freedom of expression is challenged. • The importance of a multistakeholder model to benefit from the engagement of actors from all sectors, noting that ‘Google doesn’t always know the answer’. <p>Ms Paz Peña, journalist and independent researcher on human rights, raised the important question of whether digital technologies</p>

will become an enabler for citizens or rather a smart tool to control subjects. To prevent the Internet from becoming a device for oppression, transparency and democratic oversight is necessary.

Ms Rebecca MacKinnon, Director of the Ranking Digital Rights Project at the New America Foundation, shared Peña's call for transparency, and explained that existing governance systems are not built for information societies, providing companies with possibilities to exercise their power globally. Although some companies are making efforts to meet their responsibilities, more effective mechanisms are needed.

Ms Anita Gurumurthy, Executive Director of IT for Change, mentioned a number of milestones that have been achieved in relation to CPR, but explained that these achievements need to be consolidated, which would require looking beyond the dichotomy of online and offline dimensions – a statement that was later echoed by MacKinnon. She also pointed to the importance of holding power structures accountable to prevent neo-colonial tendencies in the governance of digital technologies, particularly in relation to algorithmic decision-making.

Mr Stuart Hamilton, Director of Policy and Advocacy and Deputy Secretary-General, International Federation of Library Associations and Institutions, spoke about the importance of the right to information, which includes the right to access culture, research and innovation, as underscored in the SDGs. One critical area for reform is on copyright law, to enable the development of a digital environment that facilitates rather than restricts access to information.

Economic, social and cultural rights

Mr Juan Fernandez, Senior Advisor, Ministry of Communications, Cuba, noted that despite ESCR's long history, they are still not being addressed on an equal footing, and with the same weight, as CPRs, including in debates on Internet governance. The 2030 Development Agenda does provide an opportunity to put these rights at the heart of IG.

Ms Carolyn Nguyen, Director of Technological Policy, Microsoft, shared this view, and pointed to the opportunity for ESCRs to align with the SDGs, and thereby broaden the discussion on IG, opening it up to different ministries, creating additional pressures, and establishing a more holistic, balanced discussion.

Ms Sally Wentworth, Vice President of Global Policy Development, Internet Society, focused on the issue of access and its inextricable linkage to human rights. She stressed that access does not simply stop with technology, but that it needs to be of sufficiently quality to empower individuals.

Ms Nanjira Sambuli, Digital Equality Advocacy Manager, Web Foundation, examined access for women more closely including on issues of existing disparity based on income, policy and social norms, and highlighted how the Internet is an enabling tool for women. Yet she noted that Internet shutdowns are keeping women from accessing meaningful information. She stressed the interdependence

	<p>of civil and political rights with economic social and cultural rights. Ms Carla Reyes, Professor at Stetson University College of Law, explained how blockchain technologies could serve as a way to further incorporate ESCRs in the IG agenda, as it is a tool for distributed collaboration and more participatory decision making. Ms Sally Burch, Agencia Latinoamericana de Información, discussed the complexity of Internet governance where current established international human rights mechanisms are inadequate to deal with challenges including accountability of transnational actors in issues related to labour rights, women’s rights etc. As a result, ESCRs can no longer be ensured solely by governments, and there are inadequate mechanisms to deal with this. Ms Burcu Kilic, Legal and Policy Director, Public Citizen’s Access to Medicines, Innovation and Information Group, addressed the topic of trade agreements and the need to incorporate ESCRs in this area. She explained that ‘it doesn’t make sense for trade negotiators to think about these issues unless we bring them to their attention’.</p> <p>Linking CPR and ESCR</p> <p>Mr David Souter, ictDA, emphasised the indivisibility and equal status of CPR and ESCR, and close link between ESCR and SDGs through the right to development. He raised 3 areas of inter-connection between ESCR and CPR: right to expression as enabling ESCRs, access to the internet as enabler of rights and the principles of non-discrimination and equality.</p> <p>Mr Frank La Rue, Assistant Director-General of Communication and Information, UNESCO, closed the session with a number of observations. He first emphasised the importance of placing human beings at the center of our considerations. Furthermore, all rights form an equal, interdependent, interrelated, and universal network, ‘if we break any part of it, it becomes useless’.</p>
<p>Please describe the Discussions that took place during the workshop session: (3 paragraphs)</p>	<ul style="list-style-type: none"> • <i>The role of Internet companies</i> Many participants pointed to the increased power – and hence responsibility – of Internet companies, including their control over user data and the information that they publish. Garcia highlighted this dominance, as he argued that companies ‘are starting to make decisions impacting more people than governments’. MacKinnon explained that good data protection laws are necessary, as companies will otherwise ‘not bother to adhere to best practices’. According to Hamilton, education should include digital skills training, which is needed to understand the algorithms used by companies to manipulate the information we see. • <i>Government surveillance</i> Vales remarked that although there is growing awareness among governments about rights and how to respect them, they have become more sophisticated in finding ways to go around them. Garcia added that governments often do not comply with the law. • <i>The role of citizens</i> According to Peña, users can play an important role in

	<p>avoiding the use of the services from Internet platforms and companies that are monopolising user data.</p>
<p>Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways: (3 paragraphs)</p>	<p>La Rue: Communication is fundamental for development; without information, we cannot build knowledge societies and reach the SDGs, and in today's 'world of danger', we have to reaffirm the human rights focus through a multistakeholder dialogue, as policies will not come from states or corporations alone. 'This is the only alternative.'</p> <ul style="list-style-type: none"> • Souter: The two covenants of rights are part of a single, indivisible rights regime. At the same time, they generally demand different roles for governments and businesses, which need to be taken into account. • The two covenants have an equal status and merit equal attention. • Efforts to achieve ESCRs can broaden and deepen the understanding of CPRs, and vice versa. • The Internet poses challenges and opportunities. When ESCRs are weakened, so are the CPRs that depend on them. • ESCRs are often associated with the SDGs, which provide a unifying framework. <p>Vales proposed different ways forward to place human rights at the center of digital policy, including:</p> <ul style="list-style-type: none"> • Applying the principles from binding human rights law to the Internet. • Thinking in terms of duty-bearers and right-holders, which would make it easier for individuals to claim remedies. • Being aware of the application of the human rights framework to our everyday work on Internet policy.