

Dynamic Coalition on Internet Rights & Principles (IRPC)

Dynamic Coalition for Internet Rights and Principles: The IRP Coalition hereby presents the IRPC *Charter of Human Rights and Principles for the Internet* for endorsement and feedback as part of the Dynamic Coalition Main Session scheduled for the 2015 IGF meeting in Brazil. A review of the IRPC Charter (v 1.1) content was launched during the [IRPC Meeting at the 2014 IGF](#) in Istanbul with contributions from representatives of Amnesty International and Article 19 along with those from the Danish Institute of Human Rights, CNRS, and Global Partners (UK) who were members of the IRPC Charter's Group of Experts. **Access the IRPC Charter Booklet [here](#) or the full Charter in text-only format below from Comment Block 5.** Currently available in booklet form and in eight languages (English, Arabic, German, Turkish, Spanish, Farsi, and Mandarin, the Portuguese edition is in press and a Thai edition underway), the IRPC Charter has been gaining in stature and recognition since its launch in Workshop 8 of the [2011 European Dialogue on Internet Governance \(EuroDIG\)](#) meeting in Belgrade. The [4th English edition of the IRPC Charter Booklet \(2015\)](#) accompanies this overview of the last six years of the Coalition's work with the IRPC Charter since its inception, drafting, and public dissemination in 2010-2011. To date the IRPC Charter has received twenty-five endorsements from a range of stakeholders, available on the [IRPC website](#) and Hivos [Click Rights](#) campaign page. The Charter Booklet and earlier campaigns have been achieved with funding and support from Global Partners, Access, the Web We Want Foundation, and Hivos.

The full text of the Charter is below (Comment Block 5) this overview of the impact that the IRPC [Charter of Human Rights and Principles for the Internet](#) has had in the area of cross-sector recognition that fundamental freedoms and rights apply online, and in work to implement these rights and principles in the internet governance domain. It draws on the [IRPC Five Year Review](#), the [IRPC Submission to the 2014 Net Mundial](#) conference, and IRPC contributions to the [UNESCO WSIS+10 Meeting \(2013\)](#) and [UNESCO *Connecting the Dots* Internet Conference \(2015\)](#).

FIVE YEAR + 1 REVIEW of the IRPC Charter of Human Rights & Principles for the Internet:

1: Objectives:

(i) Shared reference point for dialogue and cooperation between different stakeholder priorities ; (ii) An authoritative document for framing policy decisions and emerging rights-based norms for the online environment; (ii) A policy-making and advocacy tool for governments, businesses, and civil society groups

2: Output:

The IRPC Charter: An authoritative framework for human rights and principles for the Internet anchored in international human rights law & norms

3: How does the IRPC Charter Work?

By articulating fundamental rights and freedoms under international law for the online environment as rights (hard law) and as principles (soft law):

- **Existing Rights (hard law): E.g. (Article 8) Right to Privacy ... (f) Freedom from surveillance:** Everyone has the freedom to communicate without arbitrary surveillance or interception (including behavioural tracking, profiling, and cyber-stalking), or the threat of surveillance or interception. ...Any agreement regarding access to online services that includes acceptance of surveillance shall clearly state the nature of the surveillance
- **Aspirational (soft law): E.g. (Article 1) Right to Access to the Internet ...** Access to and use of the Internet is increasingly indispensable for the full enjoyment of human rights including the right to freedom of expression, the right to education, the right to freedom of peaceful assembly and association, the right to take part in the government of a country, the right to work, and the right to rest and leisure....

4: Outreach and Education for laypersons, judiciaries, technical and human rights experts:

The [IRPC Ten Internet Rights and Principles](#) (currently in 25 languages) were derived from the full Charter: (1) Universality and Equality; (2) Rights and Social Justice; (3) Accessibility; (4) Expression and Association; (5) Privacy and Data Protection; (6) Life, Liberty and Security; (7) Diversity; (8) Network Equality; (9) Standards and Regulation; (10) Governance. Since their release in 2010, the Ten Internet Rights and Principles have proven their worth as an advocacy tool and source for future outcome documents on rights-based principles for Internet governance at the local and global level.

5: Production and Dissemination Timeline:

Below are some of the milestones in the Charter's production and public circulation:

- **Stage 1) 2010-2011:** (i) 10 Principles [Flyer Campaign](#) (25 languages) in 2010-2011; (ii) The full Charter (v 1.1) finalized and launched digitally in 2011
- **Stage 2): (i) 2012-2014:** "Charter 2.0 Project": Communicate, Educate, and Disseminate the full Charter e.g. [UNESCO WSIS+10 Review Meeting, 2013](#) ; (ii) **2013-2014:** Digital is good but printed matters too: [IRPC Charter Booklet - English edition](#) at Bali IGF 2013
- **Stage 3: 2014/15:** Charter Review and ongoing outreach within IG venues and beyond; e.g. NetMundial IG Principles, 13 Principles, IANA Transition, WSIS+10 Review process

6: How to track tangible outcomes

- Formal recognition: (i) Referencing in official documentation (e.g. [FRA 2013 Report: 91](#)), written & spoken proceedings (e.g. transcripts); (ii) Part of online and offline archives/official record of IG and Human Rights consultations & outcomes.
- Informal: conversations, allusions, minuted meetings, imitation
- Application of content – in various formats & languages - to specific situations; e.g. [Chilean Internet & Human Rights report, 2013](#)
- Visibility online; availability & accessibility offline as printed matter
- Implementation –projects at local, national, international levels for range of needs across sectors using and adapting the IRPC Charter for their own needs (Section 8)
- Sustained two-way engagement between stakeholders on Charter framework; (i) Substantive rights as soft & hard law (e.g. [Council of Europe Guide on Human Rights for Internet Users](#)): (ii) Rights-based Internet agenda-setting and legislation (e.g. [NetMundial IG Principles](#), Brazilian Marco Civil, Italian Declaration of Internet Rights)

7: Impact Timeline: Selected Highlights

- 2010 Council of Europe *Guide on Human Rights for Internet Users* 2010, adopted 2014
- 2011 Frank La Rue Report to the UNHRC
- 2012/2014 UNHRC Resolutions on human rights online
- 2013 IGF Meeting in Bali: Human Rights main theme
- 2014 NetMundial – [IRPC Submission](#) & Content of Outcome Document
- 2014 Brazilian *Marco Civil* passes into Law
- 2014 [Hivos IGMENA Program](#) – Arabic Booklet Edition & *Click Rights* Campaign
- 2014 NZ Greens – [Internet Rights & Freedoms Bill](#)
- 2014 [Turkish Booklet Edition](#) with Pirate Party Movement Turkey
- 2014 [African Declaration on Internet Rights and Freedoms](#) drawing on IRPC Charter
- 2014 IGF Istanbul: [WS 83](#), [WS146](#), [WS225](#), IRPC Meeting
- 2015: Presentation of [Spanish edition of the Charter booklet to the Spanish Senate](#)
- 2015: [Italian Declaration of Internet Rights](#) drawing on IRPC Charter

8: Impact Pathway-Illustrative Examples: The IRPC Charter in Action

i) Source for National Political Processes - Asia-Pacific (New Zealand): “The [Internet Rights and Freedoms Bill](#) is designed to protect human rights in the digital Environment... The Internet Rights and Principles Dynamic Coalition, hosted by the UN Internet Governance Forum, recognises that ‘the full and universal enjoyment of all human rights and fundamental freedoms requires the effective realization of these rights on the Internet.’ The enactment of the Internet Rights and Freedoms Bill will protect and strengthen New Zealanders’ fundamental Internet freedoms.” Green Party Aotearoa, [Draft for Consultation: Internet Rights and Freedoms Bill](#), 2014: 1. **ii) Outreach and Education - The Middle East and North African Region:** “Now is the opportune moment to structure freedom of the Internet and freedom of expression into regional action plans and new national laws. It is new, it is urgent and there is a need to advocate Internet rights to help bring this about. To this end, Hivos’ Internet Governance for Middle East and North Africa programme (IGMENA) launches its campaign advocating the Charter of Human Rights and Principles for the Internet” <http://igmena.org/Click-Rights-and-get-it-Right> **iii) Impact on Multistakeholder Outcomes – 2014 Net Mundial Outcome Statement:** “As... a success story, I would like to underline the crucial role of the IRPC Charter as a reference at international level: it was very useful at the Netmundial Conference in Sao Paulo... in the first group on Internet Governance Principles and Human Rights, and it was quite a difficult challenge to compile the various sources, inputs and contributions, converging on some issues, diverging on others. .. Therefore, it was important to refer to a neutral tool quoting the legal basis of the relevant human rights – the IRPC Charter... The consensus finally reached at Netmundial was based on this Charter ... “ (Ms Helga Mieling, Austrian Government). **iv) A Framework for National Initiatives: *Italian Declaration of Internet Rights***(2015) presented to the [Italian Parliament, July 2015](#) : “In July 2014 the President of the Chamber, Hon. Laura Boldrini, established a study commission made of 10 MPs ... and 13 experts... The [mandate for our Commission](#) was to survey existing Internet Charters / Declarations (starting with the IRPC Charter, of course) and to produce a draft Declaration of Internet Rights before of the end of Italy’s Presidency of the European Union (31 Dec 2014). The political aim was to try to influence the Italian Government to take (or at least facilitate) action in this important area.” (IRPC listserv, 21/02/2015; Prof Juan Carlos De Martin, Co-Director, Nexa Center for Internet & Society, Turin, Italy). **v) Agenda-Setting Role for Internet Governance Processes :** “Within the framework of the Internet Governance Forum, the Internet

Rights & Principles Coalition was created in 2009 with the mission “to make rights on the Internet and their related duties, specified from the point of view of individual users, a central theme of the internet governance debate held in the IGF context”. In 2010-11 the Internet Rights & Principles Coalition (IRPC) developed its Charter of Human Rights and Principles for the Internet, distilling its 21 clauses into 10 Rights and Principles for the Internet based on international human rights laws and norms” ([Issue report](#) for the Cross Community Working Party on ICANN’s Corporate and Social Responsibility to Respect Human Rights: Practical recommendations for ICANN, presented at ICANN 53, June 2015. Page 12). **vi)**

Recognition of the IRPC Charter’s contribution to Multistakeholder Consultations: In 2015 the [IRPC Coalition was granted Observer status](#) at the Council of Europe’s Steering Committee on Media and Information Society (CDMSI) **vii)** **From Global to Local Level: IRPC Charter Translations:** The IRPC Charter is currently available in seven languages with an eighth edition (Thai) underway. The Ten IRP Principles are also available in 25 languages. Every language edition of the full Charter has been the product of translating and editing teams based locally and liaising with the IRPC Charter Booklet team. Cooperative efforts to translate the Charter and also the Charter booklet engage and mobilize language communities for outreach and implementation at the local and national level. The full Charter is now available in almost all of the world’s most spoken languages.

9: Summing up: As the above overview shows, since its launch in 2011 the IRPC Charter has been acknowledged as an authoritative framework for implementing human rights for the online environment, and as an integral part of internet governance processes. We hereby submit the IRPC [Charter of Human Rights and Principles for the Internet](#) for endorsement and feedback, from individual stakeholders and from the wider IGF community. We thank the MAG for providing this opportunity to present the output of the Dynamic Coalition for Internet Rights and Principles to the João Pessoa IGF meeting this year and look forward to continuing to work together to contribute to future work in this area. IRPC Steering Committee (31 July 2015)

- Email: info@irpcharter.org
- URL: www.internetrightsandprinciples.org
- Twitter: @netrights
- Facebook: <https://www.facebook.com/internetrightsandprinciples>
- More information is available from the [IRPC website](#) and in the [IRPC Charter Booklet](#) for a full reference and resource list.

CHARTER OF HUMAN RIGHTS AND PRINCIPLES FOR THE INTERNET (v1.1) : TABLE OF CONTENTS

Preamble

1) **Right to Access to the Internet**

1. a) Quality of service
2. b) Freedom of choice of system and software use
3. c) Ensuring digital inclusion
4. d) Net neutrality and net equality

2) **Right to Non-Discrimination in Internet Access, Use and Governance**

1. a) Equality of access
2. b) Marginalized groups

3. c) Gender equality
- 3) Right to Liberty and Security on the Internet**
 1. a) Protection against all forms of crime
 2. b) Security of the Internet
- 4) Right to Development through the Internet**
 1. a) Poverty reduction and human development
 2. b) Environmental sustainability
- 5) Freedom of Expression and Information on the Internet**
 1. a) Freedom of Online protest
 2. b) Freedom from Censorship
 3. c) Right to Information
 4. d) Freedom of the Media
 5. e) Freedom from Hate Speech
- 6) Freedom of Religion and Belief on the Internet** **7) Freedom of Online Assembly and Association**
 1. a) Participation in Assembly and Association on the Internet
- 8) Right to Privacy on the Internet**
 1. a) National legislation on privacy
 2. b) Privacy policies and settings
 3. c) Standards of confidentiality and integrity of IT-Systems
 4. d) Protection of the virtual personality
 5. e) Right to anonymity and to use encryption
 6. f) Freedom from surveillance
 7. g) Freedom from defamation
- 9) Right to Digital Data Protection**
 1. a) Protection of Personal data
 2. b) Obligations of data collectors
 3. c) Minimum Standards on Use of Personal Data
 4. d) Monitoring by Independent Data Protection Authorities
- 10) Right to Education on and about the Internet**
 1. a) Education through the Internet
 2. b) Education about the Internet and Human Rights
- 11) Right to Culture and Access to Knowledge on the Internet**
 1. a) Right to participate in the cultural life of the community
 2. b) Diversity of languages and cultures
 3. c) Right to use one's own language
 4. d) Freedom from Restrictions of Access to Knowledge by Licensing and Copyright
 5. e) Knowledge Commons and the Public Domain
 6. f) Free/Open Source Software and Open Standards
- 12) Rights of Children and the Internet**
 1. a) Right to benefit from the Internet
 2. b) Freedom from exploitation and child abuse imagery
 3. c) Right to have views heard
 4. d) Best interests of the Child

13) Rights of People with Disabilities and the Internet

1. a) Accessibility to the Internet
2. b) Availability and affordability of the Internet

14) Right to Work and the Internet

1. a) Respect for Workers' Rights
2. b) Internet at the workplace
3. c) Work on and through the Internet

15) Right to Online Participation in Public Affairs

1. a) Right to equal access to electronic services
2. b) Right to participate in electronic government

16) Rights to Consumer Protection on the Internet **17) Right to Health and Social Services on the Internet**

1. a) Access to health-related content online

18) Right to Legal Remedy and Fair Trial for actions involving the Internet

1. a) Right to a Legal Remedy
2. b) Right to a Fair trial
3. c) Right to Due Process

19) Right to Appropriate Social and International Order for the Internet

1. a) Governance of the Internet for Human Rights
2. b) Multilingualism and Pluralism on the Internet
3. c) Effective Participation in Internet Governance

20) Duties and Responsibilities on the Internet

1. a) Respect for the Rights of Others
2. b) Responsibility of power holders

21) General Clauses

1. a) Interdependence of all rights in the Charter
2. b) Limitations on rights in the Charter
3. c) Non-exhaustive nature of the Charter
4. d) Interpretation of Rights and Freedoms of the Charter

Preamble Whereas the Internet is a place where people communicate, meet and congregate and a basic utility for people, communities, organizations and institutions to accomplish all sorts of activities in all areas of human and society endeavour; Whereas affordable and knowledgeable access to the Internet has become a fundamental need to fully realize all human rights and fundamental freedoms, democracy, development and social justice; Whereas the governance of the Internet, from its infrastructure and protocols to its applications and usages, have direct consequences on the realization of all human rights and fundamental freedoms, democracy, development and social justice; Whereas the full and universal enjoyment of all human rights and fundamental freedoms requires the effective realization of these rights also on the Internet; Whereas the global nature of the Internet is a precious asset to increase and sustain a better mutual knowledge, understanding and acceptance of different peoples in a global world, beyond the significance of local and regional particularities and various historical and cultural backgrounds; Whereas the universal, indivisible, interdependent and interrelated nature of human rights outweighs the specificities of any political, economic and cultural system; Whereas the Internet has historically been a publicly as well as privately ordered space, the realization and upholding of all human rights in the digital

environment require that states as well as all other society actors fulfil their responsibilities in their respective capacities; Whereas a common understanding of how universal human rights and freedoms apply in the digital environment is necessary for the full realization of this pledge; We bring this CHARTER OF HUMAN RIGHTS AND PRINCIPLES FOR THE INTERNET as a common standard of achievement for all stakeholders in the Internet environment. Every individual and every organ of society shall act to promote respect for these rights and freedoms and, by local and global measures, to secure their universal and effective recognition and observance.

1) Right to Access to the Internet Everyone has the right to access to, and make use of, the Internet. This right underpins all other rights in this Charter. Access to and use of the Internet is increasingly indispensable for the full enjoyment of human rights including the right to freedom of expression, the right to education, the right to freedom of peaceful assembly and association, the right to take part in the government of a country, the right to work, and the right to rest and leisure. The right to access to, and make use of, the Internet derives from its integral relationship to all of these human rights. The right to access to, and make use of, the Internet shall be ensured for all and it shall not be subject to any restrictions except those which are provided by law, are necessary in a democratic society to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Charter. The right to access to, and make use of, the Internet includes:

1. a) Quality of service

The quality of service to which people are entitled access shall evolve in line with advancing technological possibilities.

1. b) Freedom of choice of system and software use

Access includes freedom of choice of system, application and software use. To facilitate this and to maintain interconnectivity and innovation, communication infrastructures and protocols should be interoperable, and standards should be open. Everyone should be able to innovate in content, applications, and services without having to undergo centralized authorization and validation procedures

1. c) Ensuring digital inclusion

Digital inclusion requires that all people have access to, and effective use of, the range of digital media, communication platforms and devices for information management and processing. To this end active support shall be available for self-managed and other community-based facilities and services. Public Internet access points shall be made available, such as at telecentres, libraries, community centres, clinics and schools. Access to the Internet via mobile media must also be supported.

1. d) Net neutrality and net equality

The Internet is a global commons. Its architecture must be protected and promoted for it to be a vehicle for free, open, equal and non-discriminating exchange of information, communication and culture. There should be no special privileges for, or obstacles against, any party or content on economic, social, cultural, or political grounds. This does not preclude positive discrimination to promote equity and diversity on and through the Internet.

2) Right to Non-Discrimination in Internet Access, Use and Governance As enshrined in Article 2 of the UDHR: everyone is entitled to all rights and freedoms without distinction of any kind, "such as ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". Nothing in the present Charter may be interpreted as preventing affirmative action designed at ensuring substantive equality for marginalized peoples or groups. On the Internet, the right to non-discrimination in the enjoyment of all rights includes:

1. a) Equality of access

Certain groups in society systematically have more limited or restricted Internet access and the means and opportunities for effective use than others. This can amount to de-facto discrimination in terms of their ability to enjoy the human rights that the Internet supports. Thus efforts to increase access and effective use must recognize and address these inequalities.

1. b) Marginalized groups

The specific needs of all people in using the Internet must be addressed as part of their entitlement to dignity, to participate in social and cultural life, and to respect for their human rights. Special attention must be paid to the needs of marginalized groups including the elderly, young people, ethnic and linguistic minorities, and indigenous peoples, persons with disabilities and all sexuality and gender identities. All hardware, code, applications and content should be designed using universal design principles so that they are usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. This includes the need for multiple languages and scripts to be supported.

1. c) Gender equality

Women and men have an equal right to learn about, define, access, use and shape the Internet. There must be full participation of women in all areas related to the development of the Internet to ensure gender equality.

3) Right to Liberty and Security on the Internet As enshrined in Article 3 of the UDHR: "everyone has the right to life, liberty and security of person". All security measures must be consistent with international human rights law and standards. This means that security measures will be illegal where they restrict another human right (for example the right to privacy or the right to freedom of expression) except for in exceptional circumstances. All restrictions must be precise and narrowly defined. All restrictions must be the minimum necessary to meet a genuine need which is recognized as legal under International law, and proportionate to that need. Restrictions must also meet additional criteria which is specific to each right. No restrictions outside of these strict limits are permitted. On the Internet, the right to life, liberty and security includes:

1. a) Protection against all forms of crime

Everyone shall be protected against all forms of crime committed on or using the Internet including harassment, cyber-stalking, people trafficking and misuse of one's digital identity and data.

1. b) Security of the Internet

Everyone has the right to enjoy secure connections to and on the Internet. This includes protection from services and protocols that threaten the technical functioning of the Internet, such as viruses, malware and phishing.

4) Right to Development through the Internet All UDHR human rights require economic, social, cultural and political development in order to be fully realized, as recognized in the UN Declaration on the Right to Development, 1986. The Internet has a vital role to play in helping to achieve the full realization of human rights, in particular in eradicating poverty, hunger, and diseases and promoting gender equality and empowerment of women. The right to development includes the full enjoyment of all rights related to the Internet and set out in this Charter. On the Internet, the right to development includes:

1. a) Poverty reduction and human development

Information and communication technologies shall be designed, developed and implemented to contribute to sustainable human development and empowerment.

1. b) Environmental sustainability

The Internet must be used in a sustainable way. This relates to the disposal of e-waste and to the use of the Internet for the protection of the environment.

5) Freedom of Expression and Information on the Internet As enshrined in Article 19 of the UDHR: "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers". As laid out in the ICCPR, the right to freedom of expression may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary for respect of the rights or reputations of others; or for the protection of national security or of public order, or of public health or morals. No restrictions to the right to freedom of opinion are permissible. Freedom of expression is essential in any society for the enjoyment of other human rights and social goods including democracy and human development. On the Internet, the right to freedom of expression and information includes:

1. a) Freedom of Online protest

Everyone has the right to use the Internet to organize and engage in online and offline protest.

1. b) Freedom from Censorship

Everyone has the right to use the Internet without censorship in any form. This includes freedom from any measures designed to intimidate Internet users or close down expression online, including: freedom from cyber attacks and freedom from harassment online. Freedom from censorship online also includes freedom from blocking and filtering. Blocking and filtering systems which aim to prevent access to content and are not end-user controlled are a form of prior censorship and cannot be justified. Internet intermediaries must never be pressured by states or other parties to remove, hide or block content, or disclose information about Internet users.

1. c) Right to Information

Everyone has the right to seek, receive and impart information and ideas through the Internet. Everybody has the right of access to make effective use of government information, which must be released in a timely and accessible manner, according national and international law.

1. d) Freedom of the Media

The freedom and pluralism of the media shall be respected.

1. e) Freedom from Hate Speech

The beliefs and opinions of others must be respected, online as well as offline. As laid out in Article 20 of the ICCPR, "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law." Certain very specific limitations to the right to freedom of expression may be undertaken on the grounds that they cause serious injury to the human rights of others. However, this must not be used to protect abstract or subjective notions or concepts, or institutions, but rather to protect individuals and groups of people. Restrictions under this article must meet the standards for all restrictions of the right to freedom of expression as defined above.

6) Freedom of Religion and Belief on the Internet As enshrined in Article 18 of the UDHR: "everyone has the right to freedom of thought, conscience and religion". This right includes freedom, either alone or in community with others and in public or private, to manifest his or her religion or belief in teaching, practice, worship and observance. This right also includes freedom from religion. This right must not be used to illegally limit any other human rights.

7) Freedom of Online Assembly and Association As enshrined in Article 20 of the UDHR: "everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association". On the Internet, the right to freedom of assembly and association includes:

1. a) Participation in Assembly and Association on the Internet

Everyone has the right to form, join, meet or visit the website or network of an assembly, group or association for any reason. Access to assemblies and associations using ICTs must not be blocked or filtered.

8) Right to Privacy on the Internet As enshrined in Article 12 of the UDHR: "no one shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence. Everyone has the right to the protection of the law against such interference or attacks". On the Internet the right to privacy includes:

1. a) National legislation on privacy

States must establish, implement and enforce comprehensive legal frameworks to protect the privacy and personal data of citizens. These must be in line with international human rights and consumer protection standards, and must include protection from privacy violations by the state and by private companies.

1. b) Privacy policies and settings

Privacy policy and settings of all services must be easy to find, and the management of privacy settings must be comprehensive and optimised for usability.

1. c) Standards of confidentiality and integrity of IT-Systems

The right to privacy must be protected by standards of confidentiality and integrity of IT-Systems, providing protection against others accessing IT-Systems without consent.

1. d) Protection of the virtual personality

Everyone has a right to a virtual personality: The virtual personality of the human person, [i.e. the personal identification in information systems] is inviolable. Digital signatures, user names, passwords, PIN and TAN codes must not be used or changed by others without the consent of the owner. The virtual personality of human persons must be respected. However, the right to a virtual personality must not be misused to the detriment of others.

1. e) Right to anonymity and to use encryption

Every individual has the right to communicate anonymously on the Internet. Everyone has the right to use encryption technology to ensure secure, private and anonymous communication.

1. f) Freedom from surveillance

Everyone has the freedom to communicate without arbitrary surveillance or interception (including behavioural tracking, profiling, and cyber-stalking), or the threat of surveillance or interception. Any agreement regarding access to online services that includes acceptance of surveillance shall clearly state the nature of the surveillance.

1. g) Freedom from defamation

No one shall be subjected to unlawful attacks on their honour and reputation on the Internet. Everyone has the right to the protection of the law against such interference or attacks. However protection of reputation must not be used as an excuse to limit the right to Freedom of Expression beyond the narrow limits of permitted restrictions.

9) Right to Digital Data Protection As enshrined in Art 12 of the UDHR everyone has the right to privacy. An important aspect of this right is that everyone has the right to protection of personal data concerning him or her. On the Internet, the right to protection of personal data includes:

1. a) Protection of Personal data

Fair information practices should be enacted into national law to place obligations on companies and governments who collect and process personal data, and give rights to those individuals whose personal data is collected.

1. b) Obligations of data collectors

The collection, use, disclosure and retention of personal data must all meet transparent privacy-protecting standards. Everyone has the right to exercise control over the personal data collected about them and its usage. Whoever requires personal data from persons, shall request the individual's informed consent regarding the content, purposes, storage location, duration and mechanisms for access, retrieval and correction of their personal data. Everyone has a right to access, retrieve and delete the personal data collected about them.

1. c) Minimum Standards on Use of Personal Data

When personal information is required, only the minimum data necessary must be collected and for the minimum period of time for which this is required. Data must be deleted when it is no longer necessary for the purposes for which it was collected. Data collectors have an obligation to seek active consent and to notify people when their information has been forwarded to third parties, abused, lost, or stolen. Appropriate security measures shall be taken for the protection of personal data stored in automated data files against accidental or unauthorised destruction or accidental loss as well as against unauthorised access, alteration or dissemination.

1. d) Monitoring by Independent Data Protection Authorities

Data protection should be monitored by independent data protection authorities, which work transparently and without commercial advantage or political influence.

10) Right to Education on and about the Internet As enshrined in article 26 of the UDHR:

"everyone has the right to education". Everyone has the right to be educated about the Internet and to use the Internet for education. On the Internet the right to education includes:

1. a) Education through the Internet

Virtual learning environments and other sorts of multimedia, learning and teaching platforms shall take into account local and regional variations in terms of language, pedagogy and knowledge-traditions. Publications, research, text books, course materials and other kinds of learning materials shall be published as Open Educational Resources with the right to freely use, copy, reuse, adapt, translate and redistribute them. Free or low-cost training opportunities, methodologies and materials related to using the Internet for social development shall be promoted.

1. b) Education about the Internet and Human Rights

Everyone shall be educated about the Internet Education on the Internet shall include raising awareness and respect for human rights (online and offline). Digital literacy shall be a key component of education. Knowledge and skills enable people to use and shape the Internet to meet their needs.

11) Right to Culture and Access to Knowledge on the Internet As enshrined in Article 27 of the

UDHR: "everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits". Also enshrined in Article 27 of the UDHR:

"everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production" of which he or she is author. Intellectual property is a social product and has a social function. Thus, intellectual property protection must balance the rights of creators with the public

interest. Copyright regimes must not disproportionately restrict the capacity of the Internet to support public access to knowledge and culture. On the Internet the right to freely participate in culture includes:

1. a) Right to participate in the cultural life of the community

Everyone has the right to use the Internet to access knowledge, information and research. Everyone has the freedom to access and share information of public value without being subject to harassment or limitations. Everyone has the right to make use of the knowledge and instruments of the past to enhance the personal and collective knowledge of the future.

1. b) Diversity of languages and cultures

The public service value of the Internet shall be protected, including access to quality and diverse information as well as different cultural content. The Internet shall represent a diversity of cultures and languages in terms of appearance and functionality. Cultural and linguistic diversity on the Internet must be realized in all forms (e.g. text, images and sound). Technological evolution and innovation to promote diversity on the Internet shall be promoted. Indigenous knowledge shall be protected and promoted online.

1. c) Right to use one's own language

All individuals and communities have the right to use their own language to create, disseminate, and share information and knowledge through the Internet. Special attention shall be given to promoting access for minority languages. This includes promotion of the technology and content required to access and use domain names, software, services and content in minority languages and scripts.

1. d) Freedom from Restrictions of Access to Knowledge by Licensing and Copyright

Creators have the right to be remunerated and acknowledged for their work and innovations. However, this must be achieved in ways which do not restrict further innovation or access to public and educational knowledge and resources. Licensing and copyright of content must permit knowledge to be created, shared, used and built upon. Permissive licensing models shall be used. Internationally accepted 'fair use' exceptions and limitations to copyright must be used, including making copies for personal and classroom use, format conversion, library lending, review, critique, satire, research and sampling. Techniques which prevent 'fair use' exceptions must be prohibited.

1. e) Knowledge Commons and the Public Domain

Publicly funded research and intellectual and cultural work must be made available freely to the general public, where possible.

1. f) Free/Open Source Software and Open Standards

Open standards and open formats must be made available. Free/libre and Open Source Software (FOSS) must be used, promoted and implemented in public and educational institutions and services. When a free solution or open standards do not exist, the development of the needed software shall be promoted.

12) Rights of Children and the Internet Children are entitled to all of the rights in the present Charter. Furthermore, as enshrined in Article 25 of the UDHR: childhood is "entitled to special care and

assistance". As enshrined in Article 5 of the CRC young people are entitled to respect for their "evolving capacities". In terms of the Internet this means that children must both be given the freedom to use the Internet, and also protected from the dangers associated with the Internet. The balance between these priorities shall depend on the young person's capabilities. The State must respect the rights and responsibilities of parents and the extended family to provide guidance for the child which is appropriate to her or his evolving capacities. On the internet the right to special care and assistance and respect for evolving capacities of children includes:

1. a) Right to benefit from the Internet

Children should be able to benefit from the Internet according to their age. Children must have opportunities to use the Internet to exercise their civil, political, economic, cultural and social rights. These include rights to health, education, privacy, access to information, freedom of expression and freedom of association.

1. b) Freedom from exploitation and child abuse imagery

Children have a right to grow up and develop in a safe environment that is free from sexual or other kinds of exploitation. Steps must therefore be taken to prevent the use of the Internet to violate the rights of children, including through trafficking and child abuse imagery. However, such measures must be narrowly targeted and proportionate. The effect of measures taken on the free flow of information online must be given due consideration.

1. c) Right to have views heard

Children who are capable of forming their own views have the right to express them in all Internet policy matters that affect them, and their views shall be given due weight according to their age and maturity.

1. d) Best interests of the Child

As enshrined in Article 3 of the CRC: "in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".

13) Rights of People with Disabilities and the Internet People with disabilities are entitled to all of the rights in the present Charter. As enshrined in Article 4 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), "States Parties undertake to ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability". The Internet is important in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms. Special measures must be taken to ensure that the Internet is accessible, available and affordable. On the Internet, the rights of people with disabilities include:

1. a) Accessibility to the Internet

Persons with disabilities have a right to access, on an equal basis with others, to the Internet. Such access must be promoted through: the development, promulgation and monitoring of minimum standards and guidelines for accessibility; the provision of training on accessibility issues facing persons with disabilities;

and the promotion of other appropriate forms of assistance to people with disabilities to ensure their access to information.

1. b) Availability and affordability of the Internet

Steps must be taken to ensure the availability and effective use of the Internet by people with disabilities. Research and development must be undertaken to promote the availability of Information and Communications Technologies in a format suitable for persons with disabilities. Priority should be given to developing technologies at an affordable cost. Persons with disabilities have the right to accessible information about assistive technologies, as well as other forms of assistance, support, services and facilities.

14) Right to Work and the Internet As enshrined in Article 23 of the UDHR: "everyone has the right to work". On the Internet, the right to work includes:

1. a) Respect for Workers' Rights

Everyone has the right to use the Internet to form trade unions, including the right to promote one's own interests and gather in freely elected organs of representation.

1. b) Internet at the workplace

Workers and employees shall have Internet access at their work place, where available. Any restrictions on Internet use in the work place shall be explicitly stated in staff or organizational policies. The terms and conditions for surveillance of the Internet use of employees must be clearly stated in work place policies and comply with the right to data protection.

1. c) Work on and through the Internet

All people shall have the right to seek employment and to work through or by means of the Internet.

15) Right to Online Participation in Public Affairs As enshrined in Article 21 of the UDHR: "everyone has the right to take part in the government of his [or her] country, directly or through freely chosen representatives". On the Internet the right to take part in the government of one's country includes:

1. a) Right to equal access to electronic services

Article 21 of the UDHR also states that "everyone has the right of equal access to public service in the country". Everyone has the right to equal access to electronic services in his country.

1. b) Right to participate in electronic government

Where electronic government is available, everyone must have the right to participate.

16) Rights to Consumer Protection on the Internet Everyone must respect, protect and fulfil principles of consumer protection on the Internet. E-Commerce must be regulated to ensure that consumers receive the same level of protection as they enjoy in non-electronic transactions.

17) Right to Health and Social Services on the Internet As enshrined in Article 25 of the UDHR: "Everyone has the right to a standard of living adequate for the health and well-being of himself [or

herself] and of his [or her] family, and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his [or her] control". On the Internet the right to a standard of living adequate for health includes:

1. a) Access to health-related content online

Everyone shall have access to health-related and social services on the Internet.

18) Right to Legal Remedy and Fair Trial for actions involving the Internet

1. a) Right to a Legal Remedy

As enshrined in Article 8 of the UDHR: "everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him [or her] by the constitution or by law".

1. b) Right to a Fair trial

As enshrined in Article 10 of the UDHR: "everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his [or her] rights and obligations and of any criminal charge against him [or her]". Criminal trials must follow fair trial standards as defined by the UDHR (Articles 9 – 11) and the ICCPR (Articles 9 and 14 – 16) as well as other pertinent documents. It is increasingly common for the right to a fair trial and to an effective remedy to be violated in the Internet environment, for example with Internet intermediary companies being asked to make judgements about whether content is illegal and encouraged to remove content without a court order. It is therefore necessary to reiterate that procedural rights must be respected, protected and fulfilled on the Internet as they are offline.

1. c) Right to Due Process

Everyone has the right to due process in relation to any legal claims or possible violations of the law regarding the Internet.

19) Right to Appropriate Social and International Order for the Internet As enshrined in Article 28 of the UDHR: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". On the Internet the right to an appropriate social and international order includes:

1. a) Governance of the Internet for Human Rights

The Internet and the communications system must be governed in such a way as to ensure that it upholds and expands human rights to the fullest extent possible. Internet governance must be driven by principles of openness, inclusiveness and accountability and exercised in transparent and multilateral manner.

1. b) Multilingualism and Pluralism on the Internet

The Internet as a social and international order shall enshrine principles of multilingualism, pluralism, and heterogeneous forms of cultural life in both form and substance.

1. c) Effective Participation in Internet Governance

Everyone has the right to participate in the governance of the Internet. The interests of all those affected by a policy or decision shall be represented in the governance processes, which shall enable all to participate in its development. Full and effective participation of all, in particular disadvantaged groups in global, regional and national decision-making must be ensured.

20) Duties and Responsibilities on the Internet As enshrined in Article 29 of the UDHR: "Everyone has duties to the community in which alone the free and full development of his personality is possible". On the Internet the duties of everyone to the community include:

1. a) Respect for the Rights of Others

Everybody has the duty and responsibility to respect the rights of all individuals in the online environment.

1. b) Responsibility of power holders

Power holders must exercise their power responsibly, refrain from violating human rights and respect, protect and fulfil them to the fullest extent possible.

21) General Clauses

1. a) Interdependence of all rights in the Charter

All rights contained in this Charter are interdependent and mutually reinforcing.

1. b) Limitations on rights in the Charter

Any measures which limit the rights contained in this Charter will be illegal except for in exceptional circumstances. All restrictions must be precise and narrowly defined. All restrictions must be the minimum necessary to meet a genuine need which is recognized as legal under International law, and proportionate to that need. Restrictions must also meet additional criteria, which is specific to each right. No restrictions outside of these strict limits are permitted.

1. c) Non-exhaustive nature of the Charter

The fact that certain rights and principles have not been included in this Charter or have not been developed in detail does not preclude the existence of such rights and principles.

1. d) Interpretation of Rights and Freedoms of the Charter

Nothing in this Charter may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

List of Acronyms and Abbreviations

- UDHR – Universal Declaration of Human Rights
- ICCPR – International Covenant on Civil and Political Rights
- ICESCR – International Covenant on Economic, Social and Cultural Rights
- CRC – Convention on the Rights of the Child
- CRPD – Convention on the Rights of Persons with Disabilities