



**2017 Internet Governance Forum, Geneva (Switzerland)  
Dynamic Coalition Main Session**

**DRAFT Paper from the DC for Internet Rights and Principles (IRPC)  
*The Charter of Human Rights and Principles for the Internet Educational Resource  
Guide (v2)***

**Overview**

The Dynamic Coalition on Internet Rights and Principles (IRPC) *has been developing* an Educational Resource Guide to the *Charter of Human Rights and Principles for the Internet* for educational use, in the classroom but also for advocacy purposes in different national and policy-contexts. The IRPC Charter is available in booklet form on the IRPC website at <http://internetrightsandprinciples.org/site/>. It is currently in eight languages.

This paper refers to the English edition of the Charter Booklet, at [http://internetrightsandprinciples.org/site/wp-content/uploads/2017/03/IRPC\\_english\\_4thedition-1.pdf](http://internetrightsandprinciples.org/site/wp-content/uploads/2017/03/IRPC_english_4thedition-1.pdf).

This paper provides a brief introduction to the first version of the IRPC Charter Resource Guide, which was developed in coordination with the IRPC and Syracuse University students. It is intended to raise awareness, and to provide access to relevant work on respective rights and principles in the wider community. For this reason, the Resource Guide is an open-ended document that invites feedback in the form of suggestions for a range of nationally, and regionally specific examples, and ideas for educational, and outreach uses. This paper is an abridged version of how the Resource Guide links to the Charter of Human Rights and Principles for the Internet in the first instance. In the second it indicates the directions in which the first version of the Resource Guide can take for providing case-study material, access to inter-governmental, and national governmental initiatives that have been incorporating fundamental rights and freedoms in decisions around internet-design, access, use, and content management. The IRPC Charter has in this respect been a formative influence in a number of these initiatives.

The points below draw on the full draft of V.1 of the Educational Resource Guide (as developed by US-based students). It maps the possibilities for V. 2 and therefore needs to be read alongside the Draft Guide. This is available for comment and input on the IRPC Website at: <http://internetrightsandprinciples.org/site/wp-content/uploads/2016/12/CharterResourceGuide.pdf>

**Background**

In December of 2016, students of Prof. Lee McKnight at Syracuse University's School of Information Studies at the Maxwell School of Citizen and Public Affairs, and College of Law developed the first version of the educational resource guide to the 2016 DC Main Session via remote participation in Guadalajara, Mexico.

This model of collaboration proved to be a very successful exercise for these students as they participated in the creation of educational materials that develop and articulate the IRPC Charter for students and other communities. This project was also useful in engaging university students in discussing the content of the IRPC Charter, and its Ten Principles (<http://internetrightsandprinciples.org/site/campaign/>). The resource guide provides clarification of how existing law and norms relate to articulations, and jurisprudence on Human Rights and Principles for the Internet. The Resource Guide can also serve as a growing repository of external reference materials, including evidence based studies, and legal cases that provide further documentation and engagement relevant to the 21 Articles of the IRPC Charter.

The IRP Coalition invites input from other groups in order to provide more material from around the world. This year it is presenting this project for substantive discussion during the DC Main Session about how human rights and principles for internet-policymaking and related decisions in the private sector, public sector, and civil society at large, can be articulated in culturally and legally relevant ways to a range of audiences.

We aim to gather feedback and ideas to further develop the resource guide for use in a range of educational and awareness-raising contexts. Since the IRPC Charter, and its Ten Principles, was launched in 2010/2011 there has been a number of national and regional initiatives to develop these 21 Clauses, as well as the Ten Principles, in more specific terms.

### **Where to Start – Developing the Study Guide for Multiple Scenarios**

The following section is an overview of 20 Articles in the full charter, with related principles as they are broken down in the Educational Resource Guide at <http://internetrightsandprinciples.org/site/wp-content/uploads/2016/12/CharterResourceGuide.pdf>.

The Universal Declaration of Human Rights (UDHR), negotiated and affirmed by governments of the United Nations, stand as a firm commitment to uphold and protect fundamental human rights, the dignity and worth of each person and the equal rights of men and women. Information and Communication Technologies (ICTs) present tremendous opportunities to enable individuals, communities and peoples to achieve their full potential in promoting their sustainable development and improving their quality of life.

As a study guide-form, the resources noted below are intended to contextualize each of the Charter's articles by providing illustrative and often crosscutting examples, case studies, and pressing dilemmas that suggest how ICTs and digital media both support *and* undermine these rights. These can be deployed in various ways for education, discussion, awareness raising and knowledge-exchange, and as sources of inspiration. The section below is an initial map of the core content in each of the Charter's Articles with suggested examples for educational and outreach use. Each article is based in existing, and emerging international law and norms that connect policy-making on internet design, access, use, and content management.

#### **Right to Access the Internet**

Internet accessibility is dependent upon quality of service, freedom of choice of system and software use, ensuring digital inclusion, and net neutrality/equality.

- A number of Internet shutdowns took place and which are mostly allegedly motivated by political reasons (Uganda, Kenya, Togo, Cameroon, Catalonia). Another trend is shutting down the Internet during school exams (Algeria, Iraq) e.g. #keepiton campaign documents all these incidents.

#### **Right to Non-discrimination in Internet Access, Use & Governance**

Apart from the technical components of Internet accessibility, there must be consideration of equality of access, marginalized groups and gender equality.

- Case Study: "United States: Administration Wrong to Target Immigrants, Social Media" (Freedom House, 27 Sept, 2017). The US Department of Homeland Security published a new rule to include in people's immigration file: "social media handles, aliases, associated identifiable information, and search results" as part of people's immigration file." The new requirement takes effect Oct. 18. <https://www.federalregister.gov/documents/2017/09/18/2017-19365/privacy-act-of-1974-system-of-records>
- GenderIT.org work on gender/Feminist Principles for the internet <https://www.genderit.org/resources/going-visible-women-s-rights-internet>
- The *Click Rights* project of the Hivos IGMENA project (<https://www.igmena.org/click-rights>).

#### **Right to Liberty & Security on the Internet**

As the growth of Internet technologies continue throughout all corners of the world, inclusivity must also mean access to protection against all forms of crime and resources that will prevent the spread of viruses, malware or phishing.

- External Resource: OECD Recommendation on Digital Security Risk Management for Economic and Social Prosperity <http://www.oecd.org/publications/digital-security-risk-management-for-economic-and-social-prosperity-9789264245471-en.htm>

- Notable Cases: *US v. Lori Drew*, 2009 U.S. Dist. L.E.X.I.S. 85780 (2009) and *US v. Morris*, 928 F.2d 504 (2d Cir. 1991).
- Case Study: "Your Tweet Can Be Used Against You" (Privacy International, 30 Aug, 2017).
- Case Study: "Reckless Exploit: Mexican Journalists, Lawyers, and a Child Targeted with NSO Spyware" <https://citizenlab.ca/2017/06/reckless-exploit-mexico-nso/>
- Case Study: "This report describes 'Phish For The Future,' an advanced persistent spearphishing campaign targeting digital civil liberties activists." <https://www.eff.org/deeplinks/2017/09/phish-future>

### Right to Development Through the Internet

If the growth of Internet technologies is to be made inclusive and sustainable, ample opportunities must be made to utilize these tools for poverty reduction and human development. Additionally, there must be consideration of the disposal of e-waste in an environmentally safe manner.

- External Resource: The Internet and Poverty: Opening the Black Box [https://dirsi.net/web/files/files/Opening\\_the\\_Black\\_Box.pdf](https://dirsi.net/web/files/files/Opening_the_Black_Box.pdf)

The following links include some case studies on sustainability , which links to the SDG's UN agenda.

1. <http://interactions.acm.org/archive/view/may-june-2017/sustainability-and-participation-in-the-digital-commons>.
2. <https://www.article19.org/data/files/medialibrary/38832/Open-Development--Access-to-Information-and-the-SDGs-2017.pdf>.
3. The world of the Digital Empowerment Foundation (DEF) in India – <http://defindia.org/>

### Freedom of Expression & Information on the Internet

Inclusivity requires that all users (citizens, media) have the ability to use the Internet to participate in fair and safe political processes that are free from censorship and hate speech.

- Notable Cases: *Elonis v. US*, 135 S. Ct. 2001, 575 U.S., 192 L. Ed. 2d 1 (2015) and *Delfi AS v. Estonia* (2015) ECtHR 64669/09
- Case Study: "Facebook Enabled Advertisers to Reach 'Jew Haters'" <https://www.propublica.org/article/facebook-enabled-advertisers-to-reach-jew-haters>

### Freedom of Religion & Belief on the Internet

An inclusive and sustainable future of the Internet will provide a platform for all religions or belief systems.

- International Religious Freedom Report <https://2009-2017.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>
- Online Religion as Lived Religion <http://archiv.ub.uni-heidelberg.de/volltextserver/5823/>

### Freedom of Online Assembly & Association

An inclusive Internet in future will be one that empowers and encourages users to safely assemble and associate with one another.

- Turkey Blocks Facebook, Twitter and Youtube Amid Military Coup <http://fortune.com/2016/07/15/turkey-facebook-twitter-youtube-military-coup/>

### Right to Privacy on the Internet

Sustainable growth in Internet technologies must be founded on laws and policies that ensure privacy and develop trust in online services.

- Report of the Special Rapporteur to the Human Rights Council on the use of **encryption and anonymity** to exercise the rights to freedom of opinion and expression in the digital age.
- Necessary and Proportionate Principles Campaign: <https://necessaryandproportionate.org/>

### Right to Digital Data Protection

Digital data protection resources must be made available to all Internet users, regardless of where or how they access online services.

- Notable Cases: *Maximillian Schrems v. Data Protection Commissioner* and *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 578 U.S., 194 L. Ed. 2d 635 (2016).

- Case Study: "Will the Equifax Data Breach Finally Spur the Courts (and Lawmakers) to Recognize Data Harms?" <https://www.eff.org/deeplinks/2017/09/will-equifax-data-breach-finally-spur-courts-and-lawmakers-recognize-data-harms>

### **Right to Education On & About the Internet**

Digital literacy must be prioritized in order to ensure that all Internet users are learning vital 21st century skills and understand the impact of the technologies that are so critical to modern life.

- Implementing the Right to Education- UNESCO <http://unesdoc.unesco.org/images/0024/002451/245196e.pdf>
- Protecting the Right to Education for Refugees UNESCO <http://unesdoc.unesco.org/images/0025/002510/251076E.pdf>

### **Right to Culture & Access to Knowledge on the Internet**

The digital space must be a place that is representative of the diverse cultures that use it and access to knowledge must be made possible for all (e.g. languages, disabilities, etc.).

- Discuss: does the Clamp down on the TLD of. CAT by the Spanish authorities prohibits the right to culture . <http://www.internetgovernance.org/2017/09/20/puntcat-under-fire-internet-vs-political-identities/>

### **Rights of Children & the Internet**

Children must be protected on the Internet, through enforcement of laws on exploitation and child abuse imagery, as well as consideration of their interests and views.

- Children's Rights in a Digital Age - UNICEF [https://www.unicef.org/publications/files/Childrens\\_Rights\\_in\\_the\\_Digital\\_Age\\_A\\_Download\\_from\\_Children\\_Around\\_the\\_World\\_FINAL.pdf](https://www.unicef.org/publications/files/Childrens_Rights_in_the_Digital_Age_A_Download_from_Children_Around_the_World_FINAL.pdf)

### **Rights of People with Disabilities & the Internet**

A physical or mental disability should not prevent any individual from accessing the Internet in its entirety.

- Internet Accessibility - Internet Access for Persons with Disabilities: Moving Forwards - Internet Society <https://www.internetsociety.org/resources/doc/2012/internet-accessibility-internet-use-by-persons-with-disabilities-moving-forward/>
- The Internet of Things: New Promises for Persons With Disabilities - [www.G3ICT.org](http://www.G3ICT.org)

### **Right to Work & the Internet**

The digital economy must be one that is founded upon workers' rights and accessibility by those of any socio-economic status.

- The sharing economy creates a Dickensian world for workers – it masks a dark problem in the labour market <http://www.independent.co.uk/voices/sharing-economy-gig-economy-uber-airbnb-workers-rights-a7575856.html>. See also
  - Digital Labor: The Internet as Playground and Factory (Scholz, T., 2012).
  - The Participatory Condition in the Digital Age (2016). <http://www.jstor.org/stable/10.5749/j.ctt1ggjkfg>
  - Uberworked and Underpaid: How Workers Are Disrupting the Digital Economy (Scholz, T. 2016).
  - Debating the Sharing Economy by Juliet Schor [http://www.msaudcolumbia.org/summer/wp-content/uploads/2016/05/Schor\\_Debating\\_the\\_Sharing\\_Economy.pdf](http://www.msaudcolumbia.org/summer/wp-content/uploads/2016/05/Schor_Debating_the_Sharing_Economy.pdf)

### **Right to Online Participation in Public Affairs**

Governments around the world must utilize Internet technologies to maximize the value of services for their citizens.

- eParticipation <https://ec.europa.eu/digital-single-market/en/e-participation>
- UN E-Government Survey 2016 <https://publicadministration.un.org/egovkb/en-us/reports/un-e-government-survey-2016>

### **Rights to Consumer Protection on the Internet**

Digital goods and services must be held to the same consumer protection standards as those in the physical world.

- United Nations Guidelines for Consumer Protection (2016) [http://unctad.org/en/PublicationsLibrary/ditccplmisc2016d1\\_en.pdf](http://unctad.org/en/PublicationsLibrary/ditccplmisc2016d1_en.pdf)

### **Rights to Health and Social Services on the Internet**

Health and social services information must be made accessible to all users so that an adequate standard of living can be achieved.

- Global diffusion of eHealth: Making universal health coverage achievable (2016)  
[http://www.who.int/goe/publications/global\\_diffusion/en/](http://www.who.int/goe/publications/global_diffusion/en/)

### **Right to Legal Remedy & Fair Trial for Actions Involving the Internet**

As individuals begin to carry out more of their lives in the digital space, they must be given access to legal remedy, fair trial and due process for actions carried out in the digital space.

- Notable Case: Google Spain, Google Inc., v Agencia Española de Protección de Datos (AEPD), Mario Costeja González Judgment, Case C 131/12, 13 May 2014
- Internet: case law of the European Court of Human Rights (2015) [http://echr.coe.int/Documents/Research\\_report\\_internet\\_ENG.pdf](http://echr.coe.int/Documents/Research_report_internet_ENG.pdf)
- Max Schrems vs. Facebook ruling:  
<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30dd499efb2a07114996b448825e9c33f30.e34KaxiLc3qMb40Rch0SaxuSah50?text=&docid=169195&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=1416148>

### **Right to Appropriate Social & International Order for the Internet**

All entities and individuals with influence over the governance of the Internet must always prioritize human rights, multilingualism, pluralism and effective participation.

- UN Human Rights Council Declarations on human rights and the internet  
<https://www.ejiltalk.org/un-human-rights-council-confirms-that-human-rights-apply-to-the-internet/#more-5207>
- Internet Legislation Atlas (Hivos IGMENA Project) at <https://www.internetlegislationatlas.org/#/countries>

### **Duties and Responsibilities on the Internet**

All Internet users must respect their fellow digital citizens and those in power must ensure that these principles are carried out and enforced.

Some recent examples of various stakeholder initiatives, as human rights-based internet legislation, campaigns or best practices:

- (Brazil) Marco Civil: <http://culturadigital.br/marcocivil/> and <https://thecdd.wordpress.com/2014/03/28/marco-civil-da-internet-unofficial-english-translation/>
- Netmundial Multistakeholder Statement: <http://www.netmundial.br/netmundial-multistakeholder-statement/>
- African Declaration on Internet Rights and Freedoms: <http://africaninternetrights.org/draft/>
- (New Zealand) Internet Rights and Freedoms Bill: <https://home.greens.org.nz/misc-documents/internet-rights-and-freedoms-bill>
- Council of Europe Guide to Human Rights for Internet Users:  
[https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016804d5b31](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016804d5b31)

### Counter-examples where debates ongoing

- (UK) Investigatory Powers Act (also known as the Snoopers' Charter):  
<http://www.parliament.uk/business/committees/committees-a-z/joint-select/draft-investigatory-powersbill/publications/?type=Written#pnlPublicationFilter>

### **Summing Up**

As the examples above show, there have been a number of significant developments at the international, regional, and national/local levels of policy-making that take human rights and principles as a baseline for future decisions. The IRPC Charter has provided, in that respect, a framework for the extension and deepening of knowledge sharing, as well as continuing to be an authoritative framework from which judiciaries, lawmakers, and civil society organizations can assess and consider informed decisions. A key objective at the start of the Charter project at the 2009 IGF meeting was to "drill down" more deeply into the 21 Articles, and in so doing provide milestones, points for debate and consideration, and sources of inspiration and critique as well for future generations. This Resource Guide aims to fulfil that objective.