

Digital rights under HR international standards

ARTICLE 19 approach
on FOE and ICTs



Why is FOE important?

- FOE is a necessary condition for the realisation of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of all human rights.
- A 19 argues that the right to FOE was not designed to fit any particular medium or technology. Regardless of whether it is exercised online or offline, it is an internationally protected right to which almost all countries of the world have committed themselves.

Why is Internet / ICT important ?

- ICTs are giving more and more people a voice and are improving openness and public debate in the society.
- Access to internet is crucial for the enjoyment of the right to freedom of expression and other rights in the digital age.
- It has been observed that without the means to connect or without an affordable connection, the right to FOE and the freedom of the media become meaningless in the online world.


What is digital rights?

- The right **to know / to seek information**
- The right **to blog**
- <https://www.youtube.com/watch?v=Tz4EzuyxNcQ>
- The right **to share**
- <https://www.youtube.com/watch?v=blkvdmBfomw>
- The right **of access to the internet**
- <https://www.youtube.com/watch?v=aMs5iCi-Fgw>
- The right **to privacy**
- The right **to online security**
- **The net neutrality** protects the right to access to internet content, applications, services and hardware according to individual choice.

How digital rights are guaranteed?

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International standards of FOE / international laws :

- 1/ Universal Declaration of Human Rights (A19)
 - 2/ International Covenant on Civil and Political Rights
 - 3/ Joint Declaration on FOE and the Internet (June 2011) by the four International Rapporteurs of Americas, Europe, Africa and the United Nations.
 - 4/ International UN resolutions and instruments on cyber security.
 - 5/ the African Declaration on Internet Rights and Freedoms at the 18th annual Highway Africa Conference in South Africa (2014) etc ...
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The latest news?

- Today, 28 May 2015 David Kaye, the UN Special Rapporteur on freedom of expression published a **major report on encryption and anonymity in the digital age.**

<http://www.article19.org/resources.php/resource/37979/en/un-expert-launches-robust-defence-of-online-anonymity-and-encryption>


- A19 considers this report as a major step forward for the protection of the rights to free expression and privacy online. We call on governments to review their laws, policies and practices and bring them in line with the Special Rapporteur's recommendations as soon as possible.

Are there any restrictions?

- Open data is reliant on effective freedom of information legislation.
- Under international law, governments **must** show that any restrictions on access to information are prescribed **by law**, necessary in a **democratic society** and pursue a **legitimate aim**

Open Data and Right to privacy

An important aspect of every open data policy, from a human rights point of view, is to ensure:

- that there is a firm distinction between non-personal data that should be open and freely available
 - and personal data that enjoys protection under international human rights standards
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ARTICLE 19 recommendations on FOE and privacy addressed to the ICANN

ARTICLE 19

- ICANN should weigh the human rights impact of its policies and procedures;
- develop strategies to ensure that staff and other stakeholders understand this impact;
- develop and articulate a human rights policy, and make sure employees and other stakeholders know, understand and implement it;
- develop metrics to monitor ICANN's human rights performance.

More about ARTICLE 19 policies and tools on FOE, ICTs and digital rights:

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- FOE and ICTs: Overview of international standards (2013)

<http://www.article19.org/data/files/medialibrary/37380/FoE-and-ICTs.pdf>

- Policy brief ICANN's Corporate Responsibility to Respect Human Rights (2015)

<http://www.article19.org/data/files/medialibrary/37845/ICANN-PAPER-WEB.pdf>

More about ARTICLE 19 policies and tools on FOE, ICTs and digital rights:

- Comments on Right to Be Forgotten: ARTICLE 19's Response to Google's Advisory Council : ARTICLE 19 calls on Google and Data Protection Watchdogs to protect free speech (2014)

<http://www.article19.org/data/files/medialibrary/37733/A19-comments-on-RTBF-FINAL.pdf>


- Islamic Republic of Iran: Computer Crimes Law (2012)

<http://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB%5B4%5D.pdf>

For more issues in relation to ICTS
and FOE visit our web site:

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ARTICLE 19

- www.article19.org
 - <http://www.article19.org/resources.php?tagid=468&lang=en>
 - <http://www.article19.org/pages/en/ict.html>
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