

		BUSINESS	
ISSUE/NAME	(Praxis) Guiding Principles of Internet Freedom	(GNI) Principles on Freedom of Expression and Privacy	People's Communication Charter
URL	http://www.praxis.ee/fileadmin/tarmo/Projektid/Valitsemine_ja_kodanike%C3%BCChiskond/Praxis_Theses_Internet.pdf	http://www.globalnetworkinitiative.org/principles/index.php	http://www.pccharter.net/charteren.html
(principles of procedure)			
Compliance to international standards/Declarations			
General Accordance with other rights/declarations			
Governance structure			
Multistakeholder governance	(11) Amendment of regulations which affect the Internet must take place through open, multilateral cooperation in which governments, companies, non-governmental organisations and Internet users are equal partners.	<p>[Multi-stakeholder Collaboration]</p> <p>The development of collaborative strategies involving business, industry associations, civil society organizations, investors and academics will be critical to the achievement of these Principles.</p> <p>While infringement on freedom of expression and privacy are not new concerns, the violation of these rights in the context of the growing use of ICT is new, global, complex and constantly evolving. For this reason, shared learning, public policy engagement and other multi-stakeholder collaboration will advance these Principles and the enjoyment of these rights.</p> <p>Participants will take a collaborative approach to problem solving and explore new ways in which the collective learning from multiple stakeholders can be used to advance freedom of expression and privacy.</p> <p>Individually and collectively, participants will engage governments and international institutions to promote the rule of law and the adoption of laws, policies and practices that protect, respect and fulfill freedom of expression and privacy.</p> <p>(sentence5 moved to Rule of law)</p>	n/a
democracy and the rule of law	n/a	<p>[Multi-stakeholder Collaboration]</p> <p>(sentence5) Individually and collectively, participants will engage governments and international institutions to promote the rule of law and the adoption of laws, policies and practices that protect, respect and fulfill freedom of expression and privacy.</p>	n/a
Decentralization	n/a	n/a	n/a
Transparency/Transparent governance	n/a	n/a	n/a
Code of Conduct/Best Practices of a sector	n/a	n/a	n/a
Instrument Enforcement			

Enforcement	n/a	<p>[Governance, Accountability and Transparency]</p> <p>These Principles require a governance structure that supports their purpose and ensures their long term success.</p> <p>To ensure the effectiveness of these Principles, participants must be held accountable for their role in the advancement and implementation of these principles.</p> <p>Participants will adhere to a collectively determined governance structure that defines the roles and responsibilities of participants, ensures accountability and promotes the advancement of these Principles.</p> <p>Participants will be held accountable through a system of (a) transparency with the public and (b) independent assessment and evaluation of the implementation of these Principles.</p>	<p>[Article 18. Implementation]</p> <p>In consultation with the Signatories, national and international mechanisms will be organized to publicize this Charter; to implement it in as many countries as possible and in international law; monitor and assess the performance of countries and media in light of these Standards; receive complaints about violations; advise on adequate remedial measures; and to establish procedures for periodic review, development and modification of this Charter.</p>
(principles of subject matter)			

General		<p>[Annex A: Definitions]</p> <p>Freedom of Expression: Freedom of expression is defined using Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR):</p> <p>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.</p> <p>ICCPR: 1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.</p> <p>Privacy: Privacy is defined using Article 12 of the Universal Declaration of Human Rights (UDHR) and Article 17 of the International Covenant on Civil and Political Rights (ICCPR):</p> <p>UDHR: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.</p> <p>ICCPR: 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. 2. Everyone has the right to the protection of the law against such interference or attacks.</p> <p>Rule of Law: A system of transparent, predictable and accessible laws and independent legal institutions and processes which respect, protect, promote and fulfill human rights.</p> <p>Personal Information: Participants are aware of the range of definitions for “personal information” or “personally identifiable information” and acknowledge that these definitions vary between jurisdictions. These Principles use the term “personal information” and interpret this to mean information that can, alone or in aggregate, be used to identify or locate an individual (such as name, email address or billing information) or information which can be reasonably linked, directly or indirectly, with other information to identify or locate an individual.</p> <p>User: Any individual using a publicly available electronic communications service, for private or business purposes, with or without having subscribed to this service.</p> <p>Best Efforts: The participating company will, in good faith, undertake reasonable steps to achieve the best result in the circumstances and carry the process to its logical conclusion.</p>	<p>[Article 1. Respect]</p> <p>All people are entitled to be treated with respect, according to the basic human rights standards of dignity, integrity, identity, and non- discrimination.</p>
[Hardware]			
Internet Accessibility			

Access to internet	(1) Everyone has the right to access and use the Internet. This may only be restricted on the court orders insofar as this is necessary for the protection of the rights of other people in democratic society. Widespread availability of the Internet enhances the positive effects of the free movement of information, and Internet service providers are not weighed down with obligations that make their services more expensive or less readily available.	n/a	<p>[Article 2. Freedom]</p> <p>All people have the right of access to communication channels independent of governmental or commercial control.</p> <p>[Article 3. Access]</p> <p>In order to exercise their rights, people should have fair and equitable access to local and global resources and facilities for conventional and advanced channels of communication; to receive opinions, information and ideas in a language they normally use and understand; to receive a range of cultural products designed for a wide variety of tastes and interests; and to have easy access to facts about ownership of media and sources of information. Restrictions on access to information should be permissible only for good and compelling reason, as when prescribed by international human rights standards or necessary for the protection of a democratic society or the basic rights of others.</p> <p>[Article 12. Cyberspace]</p> <p>All people have a right to universal access to and equitable use of cyberspace. Their rights to free and open communities in cyberspace, their freedom of electronic expression, and their freedom from electronic surveillance and intrusion, should be protected.</p>
Universality of the Internet	n/a	n/a	n/a
Broadband development	n/a	n/a	n/a
Net reliability	n/a	n/a	n/a
Open standards	n/a	n/a	n/a
Interoperability	n/a	n/a	n/a
Net Neutrality	n/a	n/a	n/a
[content]			
fundamental rights			
Access to knowledge (IP etc)	(3) Everyone has the right to share in the rich cultural experience offered by the Internet, to enjoy the art created online and to learn about scientific achievements through electronic media. Authors have the right to the protection of their work on the Internet in accordance with the guidelines they provide, and their rights shall be upheld in a way that is in line with the principles of the Internet as a whole and which does not hinder the free movement of information. Copying information found on the Internet for personal use and using such information for non-profit purposes is permitted.	n/a	n/a
Right to dignity	(6) Everyone has the right to dignity and security on the Internet, without fear of cyberbullying or identity theft. Children have a special right to online security, without falling prey to sexual or other abuse. The state is obliged to take steps, at the national level and as part of international cooperation, to guarantee security, ensuring that these measures do not unreasonably infringe upon the freedoms of all Internet users.	n/a	<p>[Article 14. Harm]</p> <p>People have the right to demand that media actively counter incitement to hate, prejudice, violence, and war. Violence should not be presented as normal, "manly", or entertaining, and true consequences of and alternatives to violence should be shown. Other violations of human dignity and integrity to be avoided include stereotypic images that distort the realities and complexities of people's lives. Media should not ridicule, stigmatize, or demonize people on the basis of gender, race, class, ethnicity, language, sexual orientation, and physical or mental condition.</p>
family autonomy	n/a	n/a	n/a
Education	n/a	n/a	n/a
Duties and Responsibilities	n/a	n/a	n/a

participation			
right to participation	n/a	n/a	[Article 10. Participation in policy making] All people have the right to participate in public decision-making about the provision of information; the development and utilization of knowledge; the preservation, protection and development of culture; the choice and application of communication technologies; and the structure and policies of media industries.
right to association	n/a	n/a	n/a
user empowerment			
user awareness	n/a	n/a	n/a
media/digital literacy	n/a	n/a	[Article 5. Literacy] All people have the right to acquire information and skills necessary to participate fully in public deliberation and communication. This requires facility in reading, writing, and storytelling; critical media awareness; computer literacy; and education about the role of communication in society.
freedom of expression			
Freedom of expression	(4) Everyone has the right to freedom of thought and speech on the Internet. The expression of opinions cannot be restricted, except in cases provided for in law so as to prevent incitement to hatred. Everyone has the right to make their views known through virtual protests and demonstrations.	[Freedom of Expression] Freedom of opinion and expression is a human right and guarantor of human dignity. The right to freedom of opinion and expression includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Freedom of opinion and expression supports an informed citizenry and is vital to ensuring public and private sector accountability. Broad public access to information and the freedom to create and communicate ideas are critical to the advancement of knowledge, economic opportunity and human potential. The right to freedom of expression should not be restricted by governments, except in narrowly defined circumstances based on internationally recognized laws or standards. ⁵ These restrictions should be consistent with international human rights laws and standards, the rule of law and be necessary and proportionate for the relevant purpose. ^{6, 7} Participating companies will respect and protect the freedom of expression of their users by seeking to avoid or minimize the impact of government restrictions on freedom of expression, including restrictions on the information available to users and the opportunities for users to create and communicate ideas and information, regardless of frontiers or media of communication. Participating companies will respect and protect the freedom of expression rights of their users when confronted with government ⁸ demands, laws and regulations to suppress freedom of expression, remove content or otherwise limit access to information and ideas in a manner inconsistent with internationally recognized laws and standards.	n/a
Freedom of (religious) belief	n/a	n/a	n/a
censorship		n/a	
Privacy			

Privacy	(9) Everyone has the right to have the privacy of their personal and family lives and correspondence respected on the Internet. No third party has the right to intervene in this in any other way than on the orders of a court and in accordance with the law.	<p>[Privacy]</p> <p>Privacy is a human right and guarantor of human dignity. Privacy is important to maintaining personal security, protecting identity and promoting freedom of expression in the digital age.</p> <p>Everyone should be free from illegal or arbitrary interference with the right to privacy and should have the right to the protection of the law against such interference or attacks.⁹</p> <p>The right to privacy should not be restricted by governments, except in narrowly defined circumstances based on internationally recognized laws and standards. These restrictions should be consistent with international human rights laws and standards, the rule of law and be necessary and proportionate for the relevant purpose.</p> <p>Participating companies will employ protections with respect to personal information in all countries where they operate in order to protect the privacy rights of users.</p> <p>Participating companies will respect and protect the privacy rights of users when confronted with government demands, laws or regulations that compromise privacy in a manner inconsistent with internationally recognized laws and standards.</p>	[Article 13. Privacy]
Data Protection	(5) Everyone has the right to the protection of personal details stored on the Internet, and those processing them are obliged to explain to users how and why they use such information. Everyone has the right to verify their identity before the state and to authorize transactions in their own name by way of a digital signature.	n/a	n/a
Individual Control over personal data	n/a	n/a	n/a
Surveillance	n/a	n/a	n/a
development			
Development (social and economic)	n/a	n/a	n/a
Green ICT	n/a	n/a	n/a
Workplace access to the Internet	n/a	n/a	n/a
economic growth			
Innovation	n/a	n/a	n/a
competition	n/a	n/a	n/a
E-commerce	n/a	n/a	n/a
Consumer Protection	n/a	n/a	[Article 16. Consumption]
			People have the right to useful and factual consumer information and to be protected against misleading and distorted information. Media should avoid and, if necessary, expose promotion disguised as news and entertainment (infomercials, product placement, children's programs that use franchised characters and toys, etc), and the creation of wasteful, unnecessary, harmful or ecologically damaging needs, wants, products and activities. Advertising directed at children should receive special scrutiny.
individual economic growth			
Property right	n/a	n/a	n/a
Right to contract	n/a	n/a	n/a
diversity			

(expression of) Cultural and linguistic diversity	n/a	n/a	<p>[Article 8. Cultural identity]</p> <p>All people have the right to protect their cultural identity. This includes the respect for people's pursuit of their cultural development and the right to free expression in languages they understand. People's right to the protection of their cultural space and heritage should not violate other human rights or provisions of this Charter.</p> <p>[Article 9. Diversity of Languages]</p> <p>All people have the right to a diversity of languages. This includes the right to express themselves and have access to information in their own language, the right to use their own languages in educational institutions funded by the state, and the right to have adequate provisions created for the use of minority languages where needed.</p>
Non-discrimination (underrepresented people)	n/a	n/a	n/a
minorities			
Disabled People	n/a	n/a	n/a
children			
Protecting Children	n/a	n/a	<p>[Article 11. Children's Rights]</p> <p>Children have the right to mass media products that are designed to meet their needs and interests and foster their healthy physical, mental and emotional development. They should be protected from harmful media products and from commercial and other exploitation at home, in school and at places of play, work, or business. Nations should take steps to produce and distribute widely high quality cultural and entertainment materials created for children in their own languages.</p>
security			
security of means	n/a	n/a	n/a
security of access	n/a	n/a	n/a
security of persons	n/a	n/a	n/a
role of gov			
Government's non- interference	n/a	n/a	n/a
E-government	n/a	n/a	n/a
Social Services	<p>(7) Everyone has the right to obtain state and local government services electronically, regardless of whether they are citizens of or visitors to the country and irrespective of their location, and to participate in the decision-making through electronic channels. E-democracy must be promoted, i.e. people's involvement in legislative drafting through electronic channels must be made as simple and accessible as possible.</p> <p>(10) Everyone has the right to obtain confirmation that the public Internet services they use operate in line with these principles, and everyone must facilitate the honouring of these rights and freedoms in what they do.</p>	n/a	n/a
Public Data (in the context of EU)	n/a	n/a	n/a
role of companies			

responsibility of companies	n/a	<p>[Responsible Company Decision Making]</p> <p>The implementation of these Principles by participating companies requires their integration into company decision making and culture through responsible policies, procedures and processes.</p> <p>Participating companies will ensure that the company Board, senior officers and others responsible for key decisions that impact freedom of expression and privacy are fully informed of these Principles and how they may be best advanced.</p> <p>Participating companies will identify circumstances where freedom of expression and privacy may be jeopardized or advanced and integrate these Principles into their decision making in these circumstances.</p> <p>Participating companies will implement these Principles wherever they have operational control. When they do not have operational control, participating companies will use best efforts to ensure that business partners, investments, suppliers, distributors and other relevant related parties follow these Principles.10, 11, 12</p>	<p>[Article 17. Accountability]</p> <p>People have the right to hold media accountable to the general public and their adherence to the standards established in this Charter. For that purpose, media should establish mechanisms, including self-regulatory bodies, that monitor and account for measures taken to achieve compliance.</p>
Internet Intermediary	n/a	n/a	n/a
Independence of Media companies	n/a	n/a	<p>[Article 4. Independence]</p> <p>The realization of people's right to participate in, contribute to and benefit from the development of self-reliant communication structures requires international assistance to the development of independent media; training programs for professional media workers; the establishment of independent, representative associations, syndicates or trade unions of journalists and associations of editors and publishers; and the adoption of international standards.</p> <p>[Article 6. Protection of journalists]</p> <p>Journalists must be accorded full protection of the law, including international humanitarian law , especially in areas of armed conflict. They must have safe, unrestricted access to sources of information, and must be able to seek remedy, when required, through an international body.</p>
[Software]			
data			
data processing transparency	n/a	n/a	n/a
cross-border flow			
Information Flow	n/a	n/a	n/a
Cross-border services	(8) Everyone has the right to secure, cross-border e-trade, to enter into agreements and to transfer money over the Internet.	n/a	n/a
[Due Process]			
Due Process			
Due Process	n/a	n/a	<p>[Article 15. Justice]</p> <p>People have the right to demand that media respect standards of due process in the coverage of trials. This implies that the media should not presume guilt before a verdict of guilt, invade the privacy of defendants, and should not televise criminal trials in real time, while the trial is in progress.</p>

[illegible]