



## Briefing note: Human Rights Council 25th session

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### **Introduction:**

The 25th session of the Human Rights Council (HRC) will take place in Geneva from March 3rd to 28th. This note provides information on internet related human rights issues in the upcoming session of the HRC. Overall, we can see the continuing trend of the HRC addressing internet and human rights issues in increasingly diverse aspects of its work. This is the Council's 25<sup>th</sup> session and will see internet issues considered across a broad range of topics, including in the context of peaceful protest, good governance, freedom of religion and belief, the sale of children, child prostitution and child pornography, human rights defenders, cultural rights, and the rights of persons with disabilities to education. We continue to see more special procedures mandate holders (or Special Rapporteurs) referring to the internet, and internet issues continue to be raised on a country-specific basis, through for example the issues of content blocking and censorship in the Universal Periodic Review (UPR) processes relating to Pakistan and Malaysia.

### **Surveillance and Human Rights:**

The right to privacy in age of mass government surveillance is increasingly on the Council's agenda. On the heels of a [historic resolution](#) at the UN General Assembly (UNGA) on the Right to Privacy in the Digital Age ([A/RES/68/167](#)), an [expert seminar](#) was held just ahead of HRC25 for the purpose of identifying ways forward to ensure the protection of human rights in an increasingly interconnected world. Organized by the co-sponsors of the UNGA resolution Brazil and Germany together with Austria, Liechtenstein, Mexico, Norway and Switzerland, the seminar sought to specifically address the question of whether and how surveillance undertaken domestically or extraterritorially may infringe on human rights.

Among the many distinguished speakers was the UN High Commissioner for Human Rights Navi Pillay, who opened the meeting. In her opening [remarks](#) she acknowledged that wide gaps between current legal frameworks and technological developments have led to a blurring of lines between public and private spheres; a lack of accountability and oversight in current practices; and the need for clarity on the role and obligation of companies. Pillay also highlighted the issue of surveillance in the digital age in her annual report to the Council, which will be presented at HRC25 (see below for more information). The High Commissioner's office will be

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<sup>1</sup>At its 25th session, the Council will consider and adopt the final outcome of the review of Belize (A/HRC/25/13), Central African Republic (A/HRC/25/11), Chad (A/HRC/25/14), China (A/HRC/25/5), Congo (A/HRC/25/16), Israel (A/HRC/25/15), Jordan (A/HRC/25/9), Malta (A/HRC/25/17), Malaysia (A/HRC/25/10), Mauritius (A/HRC/25/8), Mexico (A/HRC/25/7), Monaco (A/HRC/25/12), Nigeria (A/HRC/25/6), Saudi Arabia (A/HRC/25/3) and Senegal (A/HRC/25/4).

writing a report dedicated to this issue, which should be completed in July and considered at both the HRC's 27<sup>th</sup> session in September and the 69<sup>th</sup> session of the General Assembly soon after. Her office has issued an [open call](#) for inputting into the report and creating a dedicated section on the Office of the High Commissioner for Human Rights' website for the material submitted.

The seminar also provided the sponsoring states with an opportunity to hear from the experts on what steps the Council should take to advance efforts to protect the right to privacy in the digital age. Among the options discussed were a new special procedures mandate focused specifically on this issue; a new General Comment from the [Human Rights Committee](#); a new Optional Protocol to the [International Covenant on Civil and Political Rights](#); and an advisory opinion from the [International Court of Justice](#) on the extraterritorial application of human rights obligations in the context of communications technology. Each option offers a different set of tools, ranging from advancing norms to oversight and regular reporting.

It is unlikely for the HRC to address the substance of this issue until the report is considered in September, however HRC25 will likely see a procedural resolution calling for a panel to discuss the High Commissioner's report at its 27<sup>th</sup> session. Nonetheless, one could expect surveillance and whistle-blowers to come up various ways during this session, in particular during the High Level Segment at the beginning of the session when ministers and other high-level officials address the Council and in Agenda item 3 (*Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development*).

Additionally, during the same time as HRC25, the U.S. will be [under review](#) at another human rights body in Geneva- the Human Rights Committee. The Committee is an expert body that reviews government compliance with treaty obligations under the International Covenant on Civil and Political Rights (ICCPR). From the afternoon<sup>2</sup> of Thursday, 13 March through Friday, 14 March, the U.S. will stand before the Committee and be [questioned](#) on a range of human rights issues, including its policies on [surveillance](#) in the context of Article 17 of the ICCPR. A number of civil society organizations have submitted shadow reports on the issue and there will be events in Geneva to raise awareness and pressure (see more information in the “side events” section below).

Plenary sessions will be live streamed and archived at: <http://www.unmultimedia.org/tv/webcast/c/un-human-rights-council.html>

All documents for HRC25 including the reports referenced below can be found [here](#).

The twitter hashtag for the session is #HRC25

## ***HRC 25 Agenda items relevant to internet rights***

*Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General*

### **Annual report of the United Nations High Commissioner for Human Rights (A/HRC/25/19)**

40. OHCHR continued to address other complex legal and policy challenges, including issues relating to mass surveillance and the right to privacy in the digital age. While modern communications technology provides a powerful tool for democracy, it has also contributed to a blurring of lines between the public and the private spheres, and has generated unprecedented levels of interference with the right to privacy.

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2 Note: all times referenced in this briefing note are in Central European Time (CET/GMT+1)

*Agenda Items 2 and 3: Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General and Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development*

**Report of the United Nations High Commissioner for Human Rights on the deliberations held during the seminar on effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful protests (A/HRC/25/32)**

5. The High Commissioner noted that protests were better organized and more innovative than ever, aided by new means of communication, including social media, thus raising more publicity and awareness about underlying causes. She expressed regret that in too many situations, peaceful protests were met with brutal repression, including excessive use of force, arbitrary detention, enforced disappearances, torture and even summary executions or extrajudicial killings. Restrictive laws were passed, limiting the space for peaceful protest, non-violent acts were criminalized and those exercising their rights were prosecuted and subjected to unfair trials. In addition, journalists, Internet users and human rights defenders were threatened, intimidated and harassed because of their role in documenting and denouncing human rights violations committed in the context of peaceful protests.

16. Finally, the important role of social media in peaceful protest was acknowledged by participants. New information and communications technologies enabled and facilitated the enjoyment of the rights to freedom of expression, peaceful assembly and association. Therefore, panellists observed, the use of social media and the Internet should be protected and facilitated in the context of peaceful protests.

**Report of the United Nations High Commissioner for Human Rights on the role of the public service as an essential component of good governance in the promotion and protection of human rights (A/HRC/25/27)**

Assessing public service employees

59. Some Member States have a system of assessing employees using key performance indicators and taking into account the views of online communities. Latvia has introduced new regulations that allow for a 360-degree performance evaluation for those working in public service.

E-technology

60. Many Member States are modernizing their public service systems with the use of e-technology, given that increasing numbers of people have access to mobile telephones, even in remote and poor areas of Burkina Faso and Morocco. Cameroon has a website (and a radio programme) on public services. Mauritius has introduced a human rights e-portal.

**Others maybe of interest (not available yet)**

- A/HRC/25/34 Report of the United Nations High Commissioner for Human Rights on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief.
- A/HRC/25/30 Rights of the United Nations High Commissioner for Human Rights on persons belonging to national or ethnic, religious and linguistic minorities.

*Agenda Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development*

## **Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt**

In his annual report ([A/HRC/25/58](#)), the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt focuses on the need to tackle manifestations of collective religious hatred, making specific reference to the internet:

Public and private media should be encouraged to help overcome religious or belief-related stereotypes by replacing these with more accurate and nuanced information. By promoting more balanced representations, professional journalism, including investigative journalism, can contribute to a public atmosphere of common sense, realism and experience, serving as an antidote to conspiracy theories, misperceptions and public hysteria. As new social media and the Internet have become major tools for fostering advocacy of religious hatred and incitement to discrimination, hostility or violence in many countries, specific efforts should be directed towards understanding and addressing this phenomenon appropriately;

[To be debated 11 March, 12:00-15:00 CET]

## **Report of the Special Rapporteur on on the sale of children, child prostitution and child pornography, Najat Maalla M'jid (A/HRC/25/55)**

49. Similarly, the expansion of the Internet and social networking has had an impact on children's social norms. The exposure of children to child pornography inspires and influences their sexual practices and affects their behaviour. Prevailing standards and peer pressure has led adolescents to share sexualized images of themselves, making them vulnerable to abuse and potentially redefining some of the social limits of acceptability of child pornography.

53. The Internet brings tremendous positive opportunities, in particular for children and young people. Although the Internet may not represent a determinant per se of the sale and sexual exploitation of children, it does nonetheless operate as an instrument for offenders, multiplying the possibilities of obtaining, distributing and selling child abuse material and facilitating access to children in all parts of the world, and consequently promoting the growth of this phenomenon.

[To be debated 12 March, 09:00-12:00 CET]

## **Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya (A/HRC/25/55)**

92. With regard to youth and student defenders, the Special Rapporteur is concerned about how youth is perceived in society. Often, their young age and alleged lack of maturity are used as grounds for not giving them a say in public affairs. The Special Rapporteur regrets that there is a trend in many countries of passing legislation that prohibits young people from participating in public assemblies. Other legislative moves pertain to the Internet, social media and instant messaging, which are increasingly subject to control by Governments.

There are also many references to journalists and media workers in this report, where internet related issues may arise.

[To be debated 10 March, 09:00-12:00 CET]

### **Thematic study on the right of persons with disabilities to education (A/HRC/25/29)**

45. There may be numerous support measures based on individual education plans, ranging from the provision of compensatory aids, special learning aids, assistive and information technology and the application of special education procedures. One of the most important measures is the use of a learning support assistant, either shared or on a one-to-one basis, depending on the needs of the student. It is important to stress that this non-exhaustive list is a continuum of support measures reflected in article 24, paragraph 2 (d) and (e), of the Convention.

[To be debated 9 March, 12:00-15:00 CET]

### **Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed (A/HRC/25/49)**

91. The role of external actors in shaping memorial landscape has been transformed by the use of information technology. The Internet has led to the internationalization of memory processes, an evolution epitomized by the memorialization of the Gulag.

[To be debated 12 March, 09:00-12:00 CET]

*Agenda Item 4: Human rights situations that require the Council's attention*

### **Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (A/HRC/25/63)**

30. Strengthening market forces and advancements in information technology have allowed greater access to information from outside the country as information and media from the Republic of Korea and China increasingly enter the country. The State's monopoly on information is therefore being challenged by the increasing flow of outside information into the country and the ensuing curiosity of the people for "truths" other than those provided by State propaganda. Authorities seek to preserve their monopoly on information by carrying out regular crackdowns and enforcing harsh punishments.

[To be debated 17 March 10:00-13:00 CET]

### **Others maybe of interest (not available yet)**

- A/HRC/25/26 Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran [To be debated 18 March 14:00-18:00 CET]
- A/HRC/25/64 Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana [To be debated 18 March 14:00-18:00 CET]

### **Special Procedures Appointments**

The 25th session of the Human Rights Council will also include appointments of [mandate holders](#), including Special Rapporteurs on the situation on human rights defenders, the rights of indigenous peoples and on the sale of children, child prostitution and child pornography.

### **Panels**

- Civil society space: creating and maintaining, in law and in practice, a safe and enabling environment: The Council will hold a panel discussion to address the importance of the promotion and protection of civil society space, which will, inter alia, contribute to the identification of challenges facing States in

their efforts to ensure space for civil society and lessons learned and good practices in this regard. (11 March, 15:00-18:00 CET)

- Rights of persons with disabilities: Annual interactive debate on the rights of persons with disabilities with a focus on the right of persons with disabilities to education (19 March, 12:00-15:00 CET)

#### **Side Events**

- The Right to Privacy in the Digital Age (American Civil Liberties Union), 13 March, 11:00-13:00 CET
- Adoption of Malaysia's 2<sup>nd</sup> UPR Report *Implementing the Accepted Recommendations: The Challenges Ahead* Friday 21 March 12:00-14:00 CET