

Open Letter to Member and Observer States of the UN Human Rights Council (HRC)

Support resolution on the promotion protection and enjoyment of human rights on the internet (A/HRC/32/L.20)

29 June 2016

Your Excellency,

The undersigned organisations working to promote and protect human rights online*, call on your delegation to support the adoption of a strong and consensus resolution on “the promotion, protection and enjoyment of human rights on the Internet” (A/HRC/32/L.20). The resolution is the joint initiative of Brazil, Nigeria, Sweden, Tunisia, Turkey, and the United States of America.

We urge all delegations to cosponsor the draft resolution, and urge HRC Member States to reject proposed amendments aimed at weakening it, and vote in favour of the resolution if a vote is called.

The HRC has affirmed twice by consensus that “the same rights that people have offline must also be protected online” (A/HRC/res/26/13, June 2014; A/HRC/res/20/8, June 2012). In the digital age, it is imperative that the HRC maintains consensus support for this fundamental principle.

The draft resolution, following the adoption of the Agenda 2030 for Sustainable Development, is timely in identifying the vast opportunities the Internet presents for the promotion of human rights and the advancement of sustainable development. It also identifies challenges all states must address to promote and protect human rights online.

In particular, the draft resolution:

- Recognises that a global and open internet is a driving force in accelerating progress towards the achievement of the Sustainable Development Goals. In particular it calls for States to bridge the gender digital divide, requesting the High Commissioner to prepare a report to provide guidance in this regard, and to promote Internet access for persons with disabilities;
- Stresses the importance of a human rights-based approach in providing and expanding access to the Internet, and recognises civil society and the technical community as key stakeholders in the promotion and protection of human rights online;
- Unequivocally condemns and calls on States to ensure accountability for all human rights violations and abuses committed against persons for exercising their human rights online, including for extrajudicial killings and arbitrary detention;
- Unequivocally condemns “measures to intentionally prevent or disrupt access to or dissemination of information online” and calls for States to refrain from and cease such practices.

However, four amendments to the draft resolution tabled by the Russian Federation and China (L.85 – L.88) would if adopted together, significantly weaken the resolution. This includes proposals that would:

- **Delete reference to the Universal Declaration of Human Rights (UDHR) and Article 19 International Covenant on Civil and Political Rights (ICCPR) language** on the application of the right to freedom of expression “regardless of frontiers” and “through any media of one’s choice” (Amendment L.86). These elements of the ICCPR, a treaty widely ratified by states, are central to the Human Rights Committee’s interpretation of the application of the right to freedom of expression online. It is also consensus language unchallenged in two previous HRC resolutions on this topic. Additional references to the right to privacy in the draft resolution, also suggested in the amendment, should not come at the expense of detailed references to the right to freedom of expression or the UDHR.
- **Delete references to the “human rights based approach”** in providing and expanding access to the Internet, including in relation to bridging various forms of digital divide (Amendment L.87). Underpinning the expansion of Internet access with a human rights based approach is essential to ensure the benefits of Internet access are universal, non-discriminatory, and facilitate the exercise of human rights online for all people. The human rights based approach requires addressing economic, social and cultural barriers to access, and respecting the right to privacy to ensure trust in technology.
- **Undermine the intended focus of the draft resolution on protecting human rights online**, in particular freedom of expression, by adding additional language to the preamble concerning “hate speech” online (Amendment L.89). This suggested addition is not necessary as it duplicates in narrower terms existing language in the draft resolution stressing the importance of promoting tolerance and dialogue in combating “advocacy of hatred that constitutes incitement to discrimination or violence on the Internet”. The positive focus of the draft resolution is further diluted by attempts to add references to a separate HRC initiative on child sexual exploitation (Amendment L.85).

We therefore ask that your delegation cosponsor the resolution on the “the promotion, protection and enjoyment of human rights on the Internet”, oppose all four proposed amendments, and vote in favour of the resolution if a vote is called.

Yours sincerely,

*[Supporting organisations]

ARTICLE 19
Access Now