UNESCO comprehensive study on Internet-related issues: draft concept paper proposed by the Secretariat for consultations

Abstract: This draft paper, proposed by UNESCO's Secretariat, outlines the concept for a comprehensive study led by UNESCO on Internet-related issues. Its framework is informed by the draft concept of Internet Universality, which summarizes UNESCO's positions on the Internet. The study was mandated by UNESCO 195 Member States in November 2013 at the Organization's General Conference. It will cover the fields of Access to information and knowledge, Freedom of expression, Privacy, and Ethical dimensions of the information society, and will also explore possible options for future actions. The study will be elaborated through an inclusive multi-stakeholder process that includes governments, the private sector, civil society, international organizations and the technical community. We invite the participants of NETmundial to consider the draft concept paper in their deliberations, and to take an active part in the consultative process over the next year as part of the follow-up to the Meeting.

Key words: access, freedom of expression, privacy, ethics, multi-stakeholder

Content contribution:

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1. Introduction

By Resolution 52 of the 37th General Conference in 2013, UNESCO is mandated to conduct a comprehensive and consultative study on Internet-related issues, the results of which should inform the Organization's reporting to the 38th Conference in 2015. This resolution emerged after debate by Member States following the tabling of a Discussion Paper at the 192nd General

Conference, as per mandate of the 192nd Executive Board.[1] The Study will be intersectoral in nature, drawing on Communication-Information, and Social and Human Sciences amongst other parts of UNESCO. The ability of the UNESCO Secretariat to undertake the large-scale consultation as required for this Study was shown in the February 2013 first review event of the World Summit on the Information Society (WSIS).

2. Context

As indicated in the Discussion Paper prepared for UNESCO's 37th General Conference, the digital revolution is impacting on all spheres of public and private life. More and more personal and public information is collected, stored, processed and shared via the Internet. All this brings with it unparalleled opportunities as well as challenges. Cyberspace is especially complex and sensitive, because of its transnational and multidimensional character. This calls for a holistic approach to address the broad range of issues relating to its use. UNESCO as a universal organization with a mandate relevant to many cyber issues can foster trust and dialogue, and build consensus at the global, regional and national levels. An inclusive multi-stakeholder process as mandated in 37 C/Resolution 52 can, through UNESCO, provide a platform for all actors to examine complexities and propose well-informed options.

3. Background to the Study

A draft resolution tabled at UNESCO's 37th General Conference in November 2013 prompted debate which indicated that besides reported instances of government monitoring of the Internet, many other issues on the Internet emerged for discussion, including privacy more broadly, as well as freedom of expression, access and ethics. There was general acceptance that UNESCO was an appropriate forum to facilitate and have a leadership role in these issues. The result was a consensus in the form of 37 C/Resolution 52, which affirmed the applicability of human rights in cyberspace and mandated the Study which is the subject of this Concept Paper.

4. UNESCO's previous work of relevance to the Study

From the mid-1990s, UNESCO organized a series of international expert meetings that led to the adoption by the General Conference of UNESCO in 2003 of the "Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace". UNESCO's concept of Knowledge Societies – based on freedom of expression, universal access to knowledge, quality education for all, and respect to cultural and linguistic diversity – has been positively received by all stakeholders. The World Report on Knowledge Societies, addressing all these issues, was published in 2005. In addition to the above, at the 36th General Conference in 2011, Member States examined a document "Reflection and Analysis by UNESCO on the Internet". Further, UNESCO's Intergovernmental Information for All Programme developed the "IFAP Code of Ethics for the Information Society". Member States took note of this and invited the Organization to suggest possible ways of addressing the ethical

[1] Discussion Paper. Internet Related Issues: Including Access to Information and Knowledge, Freedom of Expression, Privacy and Ethical Dimensions of the Information Society, produced on mandate of UNESCO Executive Board 192 EX/Decision 40.

dimensions of the information society. Subsequent consultations with Member States and other stakeholders led to the document "UNESCO and the ethical dimensions of the information society" which was endorsed by the Executive Board at its 190th session in 2012.[2]

Since 2003, UNESCO has been a significant actor in the World Summit on the Information Society (WSIS), and has worked systematically on the six Action Lines it is mandated to lead.[3] Most recently, the 37th General Conference in 2013 endorsed the Final Statement of the UNESCO-organized, first WSIS+10 Review Event, held at Headquarters in February 2013.

The documents produced in these processes, along with information gained from consultations with stakeholders as elaborated below, are important input materials for the Study.

5. Process

As per C 37/Resolution 52, the modality of this Study is consultative, incorporating "an inclusive multi-stakeholder process which includes governments, private sector, civil society, international organizations and the technical community." As such, consultation will involve meetings with UNESCO Member States, and thematic debates at the governing councils of the Information for All Programme and the International Programme for the Development of Communication. Another forum for consultation is UNESCO's World Commission for the Ethics of Science, Technology and Knowledge (COMEST).

Because the issues continue to be debated autonomously in other UN fora, the Study will therefore monitor further developments there. Relevant here are meetings in 2014 of the ITU, the Human Rights Council, and the UN General Assembly. Amongst other structures suited to consultation, are the United Nations Group on the Information Society (UNGIS), the Internet Governance Forum and the WSIS Fora, the Broadband Commission for Digital Development, and a range of new initiatives. Consultation will also be done through UNESCO participation in various international conferences and fora. In addition, the various declarations and statements by various stakeholders around the world will be analysed in order to inform the research.

The primary method of data collection is a qualitative research questionnaire, covering the four fields of the Study (Access, Freedom of Expression, Privacy, Ethics).The questions therein are informed by UNESCO's specific mandate and interests, particularly in terms of the principles of human rights, openness, accessibility and multi-stakeholderism (as elaborated in section 6 below). The responses will show the range of analyses and options on the issues at hand.

The above illustrates UNESCO's complementary and collaborative approach to others working on Internet-related issues. More detail on the research process is given in separate documents.

[2] UNESCO has also examined dimensions of online rights in two publications – "Freedom of Connection – Freedom of Expression: The Changing Legal and Regulatory Ecology Shaping the Internet" (2011) and a "Global Survey on Internet Privacy and Freedom of Expression" (2012).

[3] These Action Lines are: "Access to information and knowledge" (C3), "E-learning" (C7), "E-science" (C7), "Cultural diversity and identity, linguistic diversity and local content " (C8), "Media" (C9) and "Ethical dimensions of the Information Society" (C10).

6. Overview of the Comprehensive Study

As affirmed in the Discussion Paper prepared for UNESCO's 37th General Conference**,** the Organization's approach to the Internet must be framed within its mandate. From those documents already adopted by UNESCO governing bodies, four principles are especially important in guiding the approach of the Organization to the Internet. They point to the importance of an Internet for UNESCO that is rights-based, open, accessible and multi-stakeholder participative (summarized in the acronym R.O.A.M.). As befits UNESCO as a universal organization, these principles are also the underpinnings for the universality of the Internet, which in turn is a sine qua non for reaching Knowledge Societies.[4] The stronger the correspondence of the Internet to these four principles, the greater the universality and therefore its potential to contribute to building Knowledge Societies.

UNESCO's cross-sectoral character is fundamental for the universality of the Internet, and the R.O.A.M principles encompass the Organization's work to advance universality in education, social inclusion, multi-lingualism in cyberspace, access to information and knowledge, ethical thinking and press freedom, amongst others. Also relevant for universality is Broadband Commission for Digital Development which links Internet to accelerated progress towards the Millennium Development Goals.

The universality framework underpins how UNESCO scopes the required fields of research (Section 7 below) and informs the draft questions (see Appendix).

7. Fields of Study: Access, Freedom of Expression, Privacy and Ethics.

7.1 Access to information and knowledge

Access to information and knowledge is a basic requirement for building inclusive knowledge societies with strong foundations for lasting peace and sustainable development. There has been a significant increase in access, but the digital divide continues to exclude large numbers of people, particularly women and girls, and especially in Africa and LDCs. Considered in terms of the framework outlined in section 6 above, the Study frames Access issues as follows:

Rights: Relevant from the UNESCO point of view is that access to information, as a precondition for knowledge, is linked to Universal Declaration of Human Rights Article 19 which affirms that

[4] Since February 2013, UNESCO has undertaken extensive consultations on using "Internet universality" as an overarching term to designate the principles within the Organization's agreed positions on the Internet. Commencing during the 2013 Review Event of the World Summit on the Information Society, the consultations have continued through 10 other international events, as well as internally with all sectors of the Organization. Summarizing four principles which are extant in accepted UNESCO texts on the Internet, the notion of "Internet universality" provides a vision of a universalized Internet aligned with UNESCO's mandate and values. It highlights the kind of Internet needed to achieve Knowledge Societies in which information and knowledge are not simply issues of technological availability, but are integrally bound up with the human aspects of development. See: www.unesco.org/internet-universality

the right to freedom of expression "includes the freedom to seek and receive information and ideas through any media and regardless of frontiers". This applies online and offline.

Openness: For UNESCO, it is important that the Internet's ability to provide open access is fostered. The UNESCO OER platform already provides access to more than 150 knowledge resources developed by the Organization and its partners.

Accessibility: UNESCO's approach is that access to information alone is not a sufficient requirement for the creation of Knowledge Societies. Access to knowledge entails learning in formal and informal education settings. It also entails fostering the competencies of Media and Information Literacy (MIL) so as to empower users to make full use of access to the Internet. Enhancing the quality and linguistic diversity of content, developing sustainable digital heritage, encouraging local content online, and promoting special services for marginalized groups are also central to UNESCO's interests in accessibility. The Organization's support for journalism education also contributes to the provision of quality information accessible in cyberspace.

Multi-stakeholder participation: Access to the Internet has grown over the decades as a result of activities by numerous stakeholders. No single actor can ensure responsibility for deepening the ubiquity of affordable high-speed Internet access across devices, platforms, services, languages, content and user capacities. UNESCO's embrace of relations with National Commissions, civil society and other actors highlights its intrinsic character of enabling broad access to the Organization, including through UNESCO online Knowledge Communities.

7.2 Freedom of Expression

UNESCO's constitutional mandate to promote the "free exchange of ideas and knowledge" is reinforced by the Universal Declaration of Human Rights which affirms that "everyone has the right to freedom of opinion and expression". This right has also been protected in the International Convention on Civil and Political Rights (ICCPR), and further elaborated in relation to internet and mobile-based information dissemination systems by the UN Human Rights Committee (July 2011), in its General Comment No. 34 on Article 19 of the ICCPR.[5] Assessed in terms of universality principles for the Internet, the following can be stated.

Rights: For UNESCO, the right to freedom of expression applies, as do other rights, to cyberspace, and all persons should be safe to use this right. Accordingly, as the UN Human Rights Committee Comment states, any limitation of freedom of expression online should be the exception rather than norm. Further, the international standard requires that any restrictions must be provided by law, may only be imposed for legitimate grounds as set out in the UDHR, and must also conform to tests of necessity and proportionality. Restriction that exceeds these standards in any one locality has a direct global significance for users on the Internet elsewhere. UNESCO works worldwide to promote freedom of expression online and offline.

[5] http://www2.ohchr.org/english/bodies/hrc/comments.htm

Openness: Freedom of expression online is linked to the principle of openness, particularly in regard to the international standards that advocate transparency in relation to restrictions on the right to expression. Open opportunities to share ideas and information on the Internet are integral to UNESCO's positions on freedom of expression and inter-cultural dialogue.

Accessibility: For UNESCO, freedom of expression online is also a question of how people use their access to express themselves on the Internet. Media and Information Literacy is relevant to this question, particularly in regard to expression dealing with hatred and gender issues.

Multi-stakeholder participation: UNESCO sees freedom of expression as a matter in which each individual has a stake. The Organization has long promoted self-regulation as the optimum mechanism for promoting ethical and professional journalism; in regard to cyberspace it is also evident that online media accountability entails self-regulatory systems and ethical principles which in turn need participative involvement to secure legitimacy and be effective.

7.3 Privacy

The general right to privacy is related to many distinct issues, such as anonymity and dignity. On the Internet, there are additional related issues, ranging from consumer data protection and intellectual property to data-mining, and cyber-security. Privacy relates particularly to the collection, storage, use and circulation of personal data.

Rights: UNESCO follows the UDHR that human rights are indivisible, recognizing thereby that particular actions concerning the right to privacy can impact on other rights, such as the right to freedom of expression, and vice versa. As noted in 37 C/Resolution 52, "privacy is essential to protect journalistic sources, which enable a society to benefit from investigative journalism, to strengthen good governance and the rule of law, and that such privacy should not be subject to arbitrary or unlawful interference". At the same time, as noted in the Discussion Paper prepared for the 37th General Conference, privacy may also not be used to shield violations of individual rights or to block the media from exposing these. Public interest must enter any calculation of balancing rights, and Article 29 of the Universal Declaration of Human Rights sets out this test for the purpose and method required in regard to balancing: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

Openness: Privacy articulates directly with transparency concerning the collection, storage and analysis of personal data. It also relates to open source technology, which enables scrutiny of privacy protection in the relevant software. UNESCO stands for an appropriate balance and sufficient safeguards to ensure the public and individual interests in the interface between privacy and openness.

Accessibility: Fundamental to users taking advantage of access to the Internet is whether they can trust that their rights will be respected. Without confidence, users may begin to limit their

involvement, and the universality of the Internet will be diminished. At the same time, users should themselves respect privacy on the Internet, and UNESCO's work in Media and Information Literacy has a role to play here.

Multi-stakeholder participation: Given the complex ecology of the Internet, balancing privacy with other rights in public interest lends itself to multi-stakeholder participation, especially in regard to norms, issues of regulation and self-regulation.

7.4 Ethics

From UNESCO's perspective, the Internet should help advance respect for and realization of human rights. Possible discrepancies between this vision and real-world situations raise issues for ethical consideration. "Ethics", in this context, can be understood as the simultaneous affirmation of human rights, peace, equity, and justice, as well as a field of inquiry and style of interrogation in and of itself. Alongside work conducted on the ethics of science and technology, issues of social transformation relating to the uses and effects of digital technologies have also been considered at an exploratory level within UNESCO's Management of Social Transformations (MOST) programme. From the point of view of universality principles, the following applies:

Rights: UNESCO places the debate on Internet within an ethical discourse that integrates human rights into its general perspective, thus highlighting that the usage of technology is not "value-free". Hence, the central concern remains how to develop the Internet in the service of human rights, greater equity, and justice, by encouraging ethical sensitivity in regard to use of the Internet. This entails promoting an engagement with the Internet that is thoughtful, informed and which advances peace and the realization of each person's full potential. It is a matter of actors using human rights for these objectives, of ethical self-regulatory systems such as UNESCO promotes in the case of journalists, and of Media and Information Literacy.

Openness: ICTs are sometimes viewed as being neutral and, on this basis, value judgments may only be made in relation to the intent, use and the outcomes. Another perspective argues that ICTs are embedded, whether explicitly or implicitly in their design, with assumptions, expectations, values and biases along with the viewpoints of their designers and the societies in which they are created. Technologies embody particular choices with distinct consequences that may explicitly or otherwise favour certain behaviors or inhibit the ability of some segments of society to benefit from them. Ethical consideration is needed in regard to the extent to which the Internet enables transparent and open technology standards and opportunities, and the principle of openness in turn can facilitate users developing greater ethical awareness of ICTs.

Accessibility: ICTs are "resources" whose ethical usage and distribution create the conditions for a greater well-being. They are also the building blocks of UNESCO's vision of inclusive Knowledge Societies. In such societies, ICTs are seen, in fact, as ceasing to be simple "affordances," but functioning as the grounds for shared global life. This is why Internet accessibility issues such as gender, language, knowledge, culture and identity are profoundly ethical. In addition, ethics are relevant within the perspective that perceives ICTs as factors in

drastic changes in the context of social interactions, such as removing important social cues with potential impact that may be socially inappropriate. Media and Information Literacy which includes ethical reasoning can empower Internet users to engage with these issues.

Multi-stakeholder participation: The different perspectives and assumptions about technology and its relation to society highlight the need for increased awareness as well as critical international, with particular attention to participation of developing countries and sensitivity to their needs, and interdisciplinary consideration on the ethical dimensions of the information society at all levels – by users, network operators, content producers, designers of ICT, and policy-makers.

8. Conclusion

In the process of implementing this Study, UNESCO will be demonstrating its vitality and relevance to key debates concerning the Internet. If extra-budgetary funds can be secured, the Study could be strongly aided by an expert group and by a conference at UNESCO early in 2015 to discuss a draft synthesis of findings. Progress will be reported to the 196th Executive Board in April 2015. The final outcomes of the process will, as required, be presented within the report to the 38th General Conference in November 2015, within the framework of UNESCO's follow-up to the World Summit on the Information Society.

Based on the Organization's consensus-building track record about Internet issues, and the extensive consultation that is envisaged for the Study, UNESCO is well placed to foster a common purpose amongst stakeholders about how the Internet can help us achieve the vision of Knowledge Societies.

Appendices:

Questionnaire for the Comprehensive Study (draft)

1. Questions related to the field of Access to information and knowledge:

What can be done to reinforce the right of access to information online? What mechanisms can develop policies and common standards for open-licensed educational resources and scientific repositories, and for the long-term preservation of digital heritage? How can greater progress be made as regards inclusive strategies for women and girls as well as marginalized and disabled people? How can accessibility be facilitated through increases in locally produced and relevant content in different languages? What is can be done to institutionalize MIL effectively in national educational systems?

2. Questions related to the field of Freedom of Expression:

How can diverse legislation that impacts on the Internet include checks and balances to protect freedom of expression in line with international standards? Is there a need for specific protections for freedom of expression for the Internet? How can limitations on the Internet be transparent and aligned with international standards? How can Media and Information Literacy empower users in understanding international standards as applied to freedom of expression on the Internet? What are the optimum systems for self-regulation in cyberspace?

3. Questions related to the field of Privacy:

What principles should ensure respect for the right to privacy? What are the gender dimensions of the right to privacy online? How can transparency around associated issues be promoted? How can trust be built, and what kinds of arrangements can help to balance privacy with other rights?

4. Questions related to the field of Ethics:

How can ethical principles based on international human rights advance accessibility, openness, and multi-stakeholder participation on the Internet? What ethical frameworks or processes could serve to inform the actions of stakeholders and to assess the outcomes of new social uses and applications of information and knowledge? What is the link between ethical and gender dimensions of the Internet? How can ethical sensitivity inform law and regulation about the Internet?

5. Questions related to options:

What should be the role of UNESCO *within the wider UN system* in regard to the distinct issues of online Access to information and knowledge, Freedom of Expression, Privacy and Ethical dimensions of the information society?

What should be the role of UNESCO i*n relation to stakeholders outside the UN system* such as individual governments, Internet companies, civil society and individual users, in regard to the distinct issues of online Access to information and knowledge, Freedom of Expression, Privacy and Ethical dimensions of the information society.

Terms of Reference

Following Resolution 52 adopted by the General Conference at its 37th session, UNESCO shall prepare a comprehensive study of the Internet-related issues within the mandate of UNESCO, (hereinafter called "the Study"). The following terms of reference set out how the Resolution will be fulfilled.

1. Scope: The Study, as per 37 C/Resolution 52, shall cover the four fields of Access to information and knowledge, Freedom of expression, Privacy, and Ethical dimensions of the information society. It shall also explore possible options for future actions.

2. Process: The four fields under consideration (access, freedom of expression, privacy and ethics) shall be elaborated, as per 37 C/Resolution 52, through an inclusive multi-stakeholder process which includes governments, the private sector, civil society, international organizations and the technical community.

    a. This process shall engage all Member States and benefit from UNESCO's accumulated knowledge and past experiences in those issues and involve Member States information meetings and thematic debates at the intergovernmental councils of the Information for All Programme and the International Programme for the Development of Communication, as well as other relevant fora.

    b. Based on UNESCO positions regarding the Internet, a set of questions shall be drafted, relating to each research field (Access, Freedom of Expression, Privacy, Ethics), and possible future options for action.

    c. The questions will be put to multi-stakeholder actors, both through a written questionnaire, including an online version, and through interventions at key events. Stakeholders can be expected to address all or part of the questions, as relevant to their area of work and interest in responding.

    d. Debates at external fora that are relevant to the four fields of research will also be monitored.

    e. Existing international frameworks and normative guidelines produced by other stakeholder groups will be analysed in order to inform the Study.

    f. The data arising from all the above will be the basis of a zero draft of the Study. This draft will involve external expertise, if extrabudgetary funding can be sourced for this purpose.

    g. Extrabudgetary funding permitting, the zero draft report will be put forward for consultation at a multi stakeholder conference to be held at UNESCO in January 2015, and modelled in part on the successful WSIS+10 Review Event held in February 2013.

3. Budget: The Study will harmonise with UNESCO's Regular Programme and existing activities and events, and existing capacity of the Secretariat. However, additional support will be needed to sufficiently assess the data, prepare a zero draft analysis, convene a consultative conference, and to finalise the Study. As per 37 C/Resolution 52, "Member States are invited to fully engage in this process and to make every effort, including through extrabudgetary contributions, for financing additional meetings or other activities." These contributions would support:

    a. Hiring international experts to draft the Study based on the results of the consultative process; (Estimated budget: $70 000)

    b. Convening an international event at UNESCO in February 2015 to discuss a draft of the Study and its recommendations.(Estimated budget: $350 000)

4. Reporting: As per Resolution 37 C/52, a progress report will be presented to the 196th Executive Board. The finalised study will inform the report to the 38th General Conference on UNESCO's follow-up to the World Summit on the Information Society.