



General Assembly’ s overall review of
the implementation of WSIS outcomes

Official Form for Comments on the Non-Paper

A. Your Information

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B. Formal Input

The Association for Progressive Communications (APC), an international network of 68 members in 46 countries whose goal is to mobilise information and communication technologies (ICTs) for social justice and sustainable development, welcomes the content of the WSIS+10 Review Non-Paper. With input from the APC community we have compiled the following proposals which we believe will strengthen the final document.

1. General comments

We congratulate the co-facilitators in compiling a document that is easy to read and concise, yet manages to cover a lot of ground. We appreciate the paper’s focus on bridging critical digital divides between and within countries, as well as the continuing emphasis on the importance of ICTs for development. We are pleased to see that the paper extends the mandate of the Internet Governance Forum and recognises that information and communications will play a critical role in achieving the 2030 Agenda for Sustainable Development, both as a cross-cutting means of implementation and a target of the Sustainable Development Goals (SDGs).

We note however that the Non-Paper could be strengthened in a number of respects. Firstly, we would like to see stronger reference to human rights, recognising the full range of human rights, including economic, social and

¹ When specifying your stakeholder type, please indicate one of the following: Government, Civil Society, Private Sector, Academia, and Technical Sector.

cultural rights, that must be realised to achieve a people-centred, inclusive, development-oriented Information Society.

Secondly, the Non-Paper should give greater recognition to the role of civil society and the need to establish mechanisms for its full inclusion in policy and decision making.

Thirdly, we urge that multistakeholder cooperation and engagement be extended to national levels, including the establishment of lasting institutions and processes to ensure meaningful participation and representation of all stakeholders, particularly civil society stakeholders. In this regard, we echo the BRICS civil society submission, which APC contributed to and endorsed.

Fourthly, the Non-Paper would be stronger, and more representative of the concerns of developing regions, if it explicitly acknowledged that the digital divide is a consequence of broader social and economic divides. In this regard, we again echo the BRICS civil society submission's concern that paragraphs 5 and 10 could be understood as implying that the new challenges that have arisen are solely due to rapid changes in technology. Challenges in bridging the digital divide reflect pre-existing structural social and economic inequalities.

Fifthly, while we applaud the Non-Paper's recognition of the gender digital divide and its call for all stakeholders to take measures to increase the number of women online, the text needs to be strengthened to address barriers that women face in accessing technology, including economic, social and cultural barriers as well as technology-related violence against women. It should also be recognised that in order for ICTs to be a tool for the full empowerment of women, women must be part of internet governance, regulation, and decision-making processes. This was stated very profoundly and powerfully in paragraph 12 of the Geneva Declaration of Principles: "We affirm that development of ICTs provides enormous opportunities for women, who should be an integral part of, and key actors, in the Information Society. We are committed to ensuring that the Information Society enables women's empowerment and their full participation on the basis on equality in all spheres of society and in all decision-making processes."

Sixthly, we note that there is a need to integrate implementation and follow-up of the SDGs process with the outcome of the WSIS ten-year review and future WSIS follow-up and implementation. One mechanism to operationalise this principle, which had wide support during the July 2015 consultations on the WSIS review in New York, would be to link the Technology Facilitation Mechanism established through Paragraph 123 of the Addis Ababa Action Agenda and Paragraph 70 of the Post-2015 Development Agenda Outcome Document with the WSIS Forum currently convened annually by the International Telecommunication Union (ITU). We believe it is vital that the international organisations that have been involved in WSIS follow-up and implementation (UNESCO, UNDP, ITU, CSTD) remain involved but in the context of integration with the 2030 development agenda. We believe the Non-Paper should recommend the ongoing involvement in WSIS implementation and follow-up, integrated with the SDGs, of Regional UN Commissions, the UN Group on the Information Society (UNGIS), and the Partnership to Measure the Information Society. We believe it would be valuable for the Non-Paper to recommend that UN Women and the Office of the High Commissioner for Human Rights (OHCHR) join both of these initiatives as active participants.

Finally, we call for the Non-Paper to state very clearly that human development is as important to ICT for development as it is to sustainable development in general, and that they are interdependent with respect to human rights, good governance, and the rule of law. We believe that the Non-Paper should include all or part of the following text from the WSIS Geneva Declaration of Principles:

3. We reaffirm the universality, indivisibility, interdependence and interrelation of all human rights and fundamental freedoms, including the right to development, as enshrined in the Vienna Declaration. We also reaffirm that democracy, sustainable development, and respect for human rights and fundamental freedoms as well as good governance at all levels are interdependent and mutually reinforcing. We further resolve to strengthen respect for the rule of law in international as in national affairs.

2. Specific amendments to the text

Proposed amendments [New text proposed] [Text we are proposing deletion]	References and rationale for proposals where relevant
<i>Preamble</i>	
1bis [We reaffirm the importance of promoting and protecting human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights, along with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to realise the WSIS vision. We reaffirm paragraphs 3, 4, 5 and 18 of the Geneva Declaration and UN Human Rights Council Resolution 20/8, which in particular states that the same rights that people have offline must also be protected online.]	This proposed text draws on paragraph 2 of the WSIS+10 Statement on the Implementation of WSIS Outcomes from the 2014 WSIS+10 High Level Event and strengthens the Preamble to reflect the full scope of human rights that are needed to realise the vision of WSIS. ²
1ter [We underscore the cross-cutting principle of non-discrimination as critical to advancing the WSIS vision of universal access to ICTs and to the realisation of human rights online. There must be no discrimination based on nationality, place of residence, sex or sexual identity, national or ethnic origin, colour, religion, language, or disability.]	This proposed text builds on the WSIS Declaration of Principles and the core international human rights instruments. ³ The WSIS review outcome document should better reflect the concerns of developing countries and reinforce the principle of non-discrimination in the Information Society, in light of growing digital divides within societies, as well as trends to discriminate based on nationality in the context of communications surveillance and the prevalence of state censorship of content relating to marginalised or at-risk people and communities. In particular, we highlight the blanket tagging of all sexual expressions as

² www.itu.int/wsis/implementation/2014/forum/inc/doc/outcome/362828V2E.pdf

³ For example, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on the Elimination of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination Against Women.

	<p>“harmful” in some nations. These restrictions disproportionately violate the rights of young people, women, and persons who are discriminated against on the basis of sexual orientation and gender identity and expression, as they attempt to seek and receive scientific and cultural information on sexual health and safety and reproductive rights.</p>
<p>3. We recognize the digital economy as an important and growing part of the global economy [and] [with the potential to contribute to] global sustainable development. [We note the need for the protection of the rights of workers in the digital economy.]</p>	<p>The text in its current form could appear to overlook the fact that this economy and the benefits that are derived from it are very unevenly distributed between developed and developing regions, with developing countries still being largely excluded from the digital economy.</p>
<p>4. Many innovations have transformed the ICT landscape and presented new opportunities for ICTs to contribute to sustainable development. These include fixed and wireless broadband, [innovative use of radio spectrum], mobile Internet, smartphones and tablets, cloud computing, social media and big data.</p>	
<p><i>Digital Divide</i></p>	
<p><i>11bis</i> [We encourage all stakeholders to take concrete steps and formulate policies to ensure that the Information Society enables women's empowerment and their full participation on the basis on equality in all spheres of society and in all decision-making processes, to mainstream a gender equality perspective, and to create an enabling environment that fosters increased participation of women in ICT policy spaces, including in decision-making positions.]</p>	<p>The proposed text recognises that increasing the number of women online will not lead to their full empowerment in the Information Society. In order for ICTs to be a tool for the full empowerment of women, women must be part of internet governance, regulation, and decision-making processes. It draws on language from Paragraph 12 of the WSIS Geneva Declaration of Principles, Paragraph 3 of the WSIS+10 Vision for WSIS beyond 2015 adopted at the WSIS+10 High Level Event,⁴ and SDG goal 5.b.</p>
<p><i>11ter</i> [We encourage all stakeholders to support the development and use of information and communications technology and social media as a resource for the empowerment of women and girls, including access to information on the prevention of and response to violence against women and girls; and develop mechanisms to combat the use of information and</p>	<p>The Non-Paper fails to address the growing challenge of discrimination and violence against women online, including sexual harassment and bullying.⁵ Violence against women that is committed, abetted or aggravated through the use of ICTs and in online spaces acts as a significant barrier to women and girl's ability to take advantage of the opportunities that ICTs provide</p>

4 Paragraph 3 of the WSIS+10 Vision for WSIS beyond 2015: “We are committed to ensuring that the Information Society enables women’s empowerment and their full participation on the basis of equality in all spheres of society and in all decision-making processes. To this end, we should mainstream a gender equality perspective and use ICTs as a tool to that end.” www.itu.int/wsis/implementation/2014/forum/inc/doc/outcome/362828V2E.pdf

5 See Agreed Conclusions, Commission on the Status of Women 55th Session (CSW 55), 2011, E/2011/27-E/CN.6/2011/12. www.unwomen.org/~media/headquarters/attachments/sections/csw/55/csw55_e_final.pdf?v=1&d=20141222T180708

<p>communications technology and social media to perpetrate violence against women and girls, including the criminal misuse of information and communications technology for sexual harassment, sexual exploitation, child pornography and trafficking in women and girls, and emerging forms of violence, such as cyberstalking, cyberbullying and privacy violations that compromise the safety of women and girls.]</p>	<p>for the full realisation of women's human rights.⁶ This proposed text draws on Paragraph (ww) of the Agreed Conclusions of the Commission on the Status of Women's 57th Session⁷ as well as the Agreed Conclusions of the Commission on the Status of Women 's 55th Session and UN General Assembly resolution 68/181.</p>
<p>12. Harnessing the potential of ICT for development requires truly equitable access for all. Priority should be given to ensuring that ICTs are affordable and relevant, [and] that [public access is available to those who need it]. [e C]ontent should be available in different languages and formats that are accessible to all people, and for them [to have media and information literacy skills] to make use of ICTs.⁸</p>	<p>Not only does public access to the internet through community services such as libraries provide an important mechanism for low-income groups to go online, research shows that even in countries where mobile broadband penetration has reached high levels, there is still a need for public access to ICTs.</p>
<p><i>ICT for Development</i></p>	
<p>18. Priority should be given to leveraging the critical role that ICT plays in enabling resource efficiency, particularly of energy and water, as well as sustainable urban development and the evolution of renewable technologies,[monitoring climate change and other environmental change, and sharing best practices for adapting to those changes.]</p>	<p>The WSIS Geneva Declaration (in particular Paragraph 51) referred to this role of ICTs, stating various examples that are still relevant including protection of the environment and management of natural resources.⁹ Since then global understanding of climate change has progressed dramatically, as has the role that ICTs can play in mitigating this change, but also in contributing to it. We believe this inclusion of climate change is valuable and supports integration with the SDGs.</p>
<p>19. We recognize the opportunity afforded by clean energy and reuse, recycling, and [safe] disposal of ICT waste to mitigate environmental impacts of ICT use and growth. [We call for greater attention on the health and environmental impacts of unsafe e-waste processing, recycling and disposal.]</p>	<p>Covered above.</p>
<p>19bis [We recognise the importance of culture to</p>	<p>Cultural diversity is an important element of the</p>

6 APC's Statement to the 57th Session of the CSW "Violence against women and information and communications technology" (2013). www.genderit.org/sites/default/upload/csw_apc_statement_final_version_0.pdf

7 See Agreed Conclusions, Commission on the Status of Women 57th Session (2013), E/2013/27 E/CN.6/2013/11. www.unwomen.org/~media/headquarters/attachments/sections/csw/57/csw57-agreedconclusions-a4-en.pdf?v=1&d=20140917T100700

8 Note: APC supports this proposed text from the International Federation of Library Associations and Institutions (IFLA).

9 "The usage and deployment of ICTs should seek to create benefits in all aspects of our daily life. ICT applications are potentially important in government operations and services, health care and health information, education and training, employment, job creation, business, agriculture, transport, protection of environment and management of natural resources, disaster prevention, and culture, and to promote eradication of poverty and other agreed development goals. ICTs should also contribute to sustainable production and consumption patterns and reduce traditional barriers, providing an opportunity for all to access local and global markets in a more equitable manner."

<p>development and affirm that cohesive, conceptual and practical digital strategies are needed for the preservation of and access to recorded information in the digital environment in all its forms.]</p>	<p>WSIS Declaration of Principles (Action Line C8), and a key pillar of WSIS in the past 10 years. Today the need to respect, preserve, promote and enhance cultural and linguistic diversity and cultural heritage within the Information Society must still be a priority – we live in an age where file formats and data storage continuously cycle through platform migrations, improvements and obsolescence, leaving us unable to access our digital past. APC joins IFLA in proposing <i>19bis</i>.</p>
<p><i>Human Rights</i></p>	
<p>20. We reaffirm all human rights and fundamental freedoms. [We highlight the importance of economic, social and cultural rights,] including the right to development, [for achieving] the WSIS vision, [as well as the importance of ICTs for achieving these rights, such as the right to education, health, work, and to take part in cultural life.] We underscore the need for respecting freedom of expression, [freedom of assembly and association the independence of press] and the right to privacy. [We emphasise that any limitations on human rights online or offline, such as surveillance and content restrictions, must be consistent with international human rights norms, prescribed by law, necessary to achieve a legitimate aim, and proportionate to the aim pursued.] no person shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, or correspondence, consistent with countries' obligations under international human rights law.</p>	<p>The Non-Paper should reflect the broad scope and interdependence of rights that are needed to realise a people-centred, development-oriented Information Society, and that restrictions to human rights online must be consistent with limitations to human rights as accepted under international human rights norms.¹⁰ Intentionally disconnecting users from the internet, mass surveillance, blanket prohibitions on encryption and anonymity, and other measures that fail to meet these international standards should be avoided. The amendments draw on Action Lines 7 and 8 of the WSIS Declaration of Principles, paragraph 2 of the WSIS+10 Statement on the Implementation of WSIS Outcomes from the 2014 WSIS+10 High Level Event, UN Human Rights Council resolutions 20/8, 21/16, 24/5, 26/13, 28/16, and UN General Assembly resolutions 68/167, 68/198, and 69/166, as well as UN Human Rights Committee General Comments 27 and 34.</p>
<p>20bis [We reaffirm the importance of creating an enabling policy, regulatory environment and business models for promoting and protecting access to knowledge, and economic, social and cultural rights as a means to advance human dignity and contribute to good governance and sustainable development.]</p>	<p>The WSIS Declaration of Principles reaffirmed the universality, indivisibility and interdependence of all human rights and fundamental freedoms, including the right to development, and asserted that “democracy, sustainable development, and respect for human rights and fundamental freedoms, as well as good governance at all levels are mutually reinforcing and interdependent.” The NETmundial Statement affirmed that the internet is</p>

10 See UN Human Rights Committee General Comment 27, 1999, CCPR/C/21/Rev.1/Add.9 para 14 docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsjYoiCfMKoiRv2FVaVzRkMjTnjRO%2bfud3cPVrcM9YR0iyTM5JG6ezqyTK3dP9WEpoSy%2br%2fUX3265zq4wPz0Dm3XME7v23w4buJtGukID%2b1ocPstrJmk6cw8vHCV6DdBAA%3d%3d and UN Human Rights Committee General Comment 34, 2011 CCPR/C/GC/34 paras 33-34 www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf

	<p>a global resource which should be managed in the public interest. Business models, copyright regimes, and lack of affordable access prevent the internet from being harnessed as a means for exercising economic, social and cultural rights. States need to not only expand internet access, but create an enabling environment that serves the public interest.</p>
<p><i>Internet Governance</i></p>	
<p>25. We call for further internationalization of Internet governance, including greater participation of [all stakeholders from] developing countries and the full implementation of Enhanced Cooperation, as set forth in the Tunis Agenda [in the context of Paragraphs 67- 72 of the Tunis Agenda,] and taking note of the Working Group on Enhanced Cooperation, to enable governments, on an equal footing, to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet, but not in the day-to-day technical and operational matters[, that do not impact on international public policy issues.]</p>	<p>The goal of enhanced cooperation is to improve and democratise the governance of the internet at all levels.</p>
<p>26. We acknowledge the unique role of the Internet Governance Forum (IGF) in the governance of the Internet, as a multi-stakeholder platform for [capacity building in and] discussion of Internet governance issues. We extend the IGF mandate for another [15 years in line with the 2030 Agenda for Sustainable Development, and we also recommend that consideration be given to integration between internet governance concerns and the SDGs.]</p>	<p>We suggest splitting up current Paragraph 26 between 26 and 26bis, as indicated.</p>
<p>26bis We note with appreciation that the IGF has evolved, and includes linked regional and national events. X years.] While taking into account the report of the Working Group on improvements to the IGF, we consider whether there is a need for clearer terms of reference for IGF’s governing structure, working methods, [funding, outputs] and outcomes. We note the need to continue building upon current efforts, to ensure support, [through financial resources and capacity building,] for the participation of all stakeholders from] least developed countries, landlocked developing countries and small island developing States. [We note the need for the IGF to increase efforts to include women, young people, marginalised and</p>	

<p>at-risk communities and persons. We recommend that any new efforts to provide governments with the opportunity to discuss internet-related public policy matters be organised to coincide with the annual IGF.]</p>	
<p><i>Cyberspace</i></p>	
<p>28. Cyber security is an increasing challenge to all stakeholders. We reaffirm para. 35 of the Geneva Declaration, which stipulates that “a global culture of cyber security needs to be promoted, developed and implemented in cooperation with all stakeholders and international expert bodies” in order to foster trust and security in the emerging Information Society. [We note that genuine security on the internet includes protection of Internet users' rights, including the right to privacy.]</p>	
<p>29. We call for increased global efforts and cooperation in combating cybercrime and countering cyber-threats [and cyber war without compromising user privacy.]</p>	
<p><i>Follow up</i></p>	
<p>31. There will be a continued focus on mobilizing domestic public and private resources [and the efforts of civil society] to spur ICT access and content creation. We recognize the importance of public-private partnerships, universal access strategies and other approaches to this end. We also recognize the need for increased focus on the contribution of ICTs to development by donors (public and private), international financial institutions and other development partners, especially through interventions that de-risk investment and catalyse new public and private finance, [and support community-owned and community-based solutions]. We express concern at the lack of progress on the Digital Solidarity Fund, welcomed in Tunis as an innovative financial mechanism of a voluntary nature, and we call for a</p>	<p>The WSIS Geneva Declaration of Principles and The Geneva Plan of Action emphasised the role that all stakeholder groups have in WSIS implementation. It is therefore very disappointing that the Non-Paper has so little mention of, in particular, the role of civil society. As an example, but there are many others, consider Paragraph 3 from the Geneva Plan of Action, which states that all stakeholders have an important role to play in the Information Society, especially through partnerships.¹¹</p>

11 Paragraph 3 of the Geneva Plan of Action states: “All stakeholders have an important role to play in the Information Society, especially through partnerships: 1) Governments have a leading role in developing and implementing comprehensive, forward looking and sustainable national e-strategies. The private sector and civil society, in dialogue with governments, have an important consultative role to play in devising national e-strategies. 2) The commitment of the private sector is important in developing and diffusing information and communication technologies (ICTs), for infrastructure, content and applications. The private sector is not only a market player but also plays a role in a wider sustainable development context. 3) The commitment and involvement of civil society is equally important in creating an equitable Information Society, and in implementing ICT-related initiatives for development. 4) International and regional institutions, including international financial institutions, have a key role in integrating the use of ICTs in the development process and making available necessary resources for building the Information Society and for the evaluation of the progress made.”

<p>review of options for its future.</p>	
<p>33. We call for intensified investment in [local] content development, including content in a wider range of languages [and formats, including formats accessible to people with disabilities], for universal inclusion.</p>	
<p>36. We call for [the continuation of the Partnership to Measure the Information Society and for] increased efforts to improve the extent of [gender-disaggregated] ICT [supply and demand-side] data collection and analysis, including [on] quality of connectivity, such as speed and consistency; [disaggregation of data] [and] on internet use, and content creation.</p>	
<p>37bis [We encourage UNESCO, UNDP, FAO, the ITU and the CSTD to remain involved in WSIS follow up and implementation in the context of integration with the 2030 development agenda. We affirm the important role of the UN Group on the Information Society (UNGIS) and the Partnership on Measuring the Information Society, and recommend that UN Women and the Office of the High Commissioner for Human Rights (OHCHR) join both of these initiatives as active participants.]</p>	<p>We believe it is vital that the international organisations that have been involved in WSIS follow-up and implementation (UNESCO, UNDP, the ITU, the CSTD) remain involved but in the context of integration with the 2030 development agenda, and that contributions from UN Women and OHCHR would enrich this process.</p>
<p>37ter [We recommend that collaboration between the Technology Facilitation Mechanism established through Paragraph 123 of the Addis Ababa Action Agenda and Paragraph 70 of the Post-2015 Development Agenda Outcome Document and the WSIS Forum currently convened annually by the International Telecommunication Union be explored.]</p>	
<p>37quater [We call for annual regional reviews of WSIS+10 outcomes, involving all stakeholders, convened by UN Regional Commissions, where member states, international and regional organizations report on progress in achieving WSIS outcomes within the context of the 2030 agenda of Sustainable Development.]</p>	