

19th session of the Human Rights Council

CONCEPT NOTE

Panel discussion on the right to freedom of expression on the Internet

Date and venue

29 February 2012, 12:00 – 15:00, Room XX, Palais des Nations, Geneva

Focus and objectives

In its decision 18/27, adopted in September 2011, the Human Rights Council decided “to convene, within existing resources, at its nineteenth session, a panel discussion on the promotion and protection of freedom of expression on the Internet, with a particular focus on the ways and means to improve its protection in accordance with international human rights law”.

It further requested “the Office of the United Nations High Commissioner for Human Rights to liaise with relevant special procedures, States and other stakeholders, including relevant United Nations bodies and agencies, with a view to ensuring multi-stakeholder participation in the panel discussion”.

The objectives of the panel are to:

- Draw attention to current challenges posed to the enjoyment of the right to freedom of expression and opinion on the Internet;
- Identify positive and practical steps that Member States can take to respect, protect and promote the right to freedom of expression on the Internet; and
- Identify positive and practical steps that Member States can take on the key recommendations of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

The panel will aim to meet these objectives through an interactive discussion around the following questions:

- All States have an obligation to guarantee all individuals’ right to freedom of opinion and expression exercised through any communications medium, as stipulated in articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Internet is a unique and powerful tool which facilitates individuals “to seek, receive and impart information and ideas of all kinds” inexpensively and instantaneously regardless of frontiers. How can this right be best respected, protected and promoted when exercised through the Internet?
- Does the unique technical architecture of the Internet, and the resulting empowerment of individuals, justify stronger protection measures for freedom of expression? In this regard, what is the role of the private sector, which provides essential platforms and services for disseminating information online?
- Under international human rights law, limitations on freedom of expression are permissible in exceptional cases, such as child pornography. What are the most effective ways in which such exceptional cases can be taken into account, without jeopardizing the right to freedom of opinion and expression?
- What is the nature of positive obligations of States to facilitate the enjoyment of the right to freedom of expression through the Internet? What are some of the best practices to facilitate

universal access to the Internet, and to bridge the “digital divide” both between and within States?

- For the Internet to be a truly effective and meaningful communications medium, access to the Internet, as well as its content, must be available to all sectors of society. Access is a critical building block for exercising freedom of expression and freedom of association. The Special Rapporteur notes that access includes not only physical access to the internet but also access in local languages, accessibility for disabled persons and access to locally produced content. What are some good examples that can be shared to promote Internet access to marginalized or vulnerable sectors of society, including persons belonging to national or ethnic, religious and linguistic minorities, or persons with disabilities?
- What are the most important prospects and challenges from a gender perspective in relation to freedom of expression and the Internet and how can States act to respect and promote equal opportunities in relation to the Internet?
- How should international human rights norms and standards be better mainstreamed and integrated into discussions regarding Internet governance, taking account of its multi-stakeholder nature?
- What are good examples to reduce the vulnerability of individuals who express critical opinions through the Internet, including online privacy and data protection?
- What are the ways and means to ensure the protection of freedom of expression in relation to the internet under international human rights law?
 - What practical steps can Members take to respect, protect and promote freedom of expression on the Internet; and
 - What practical steps that member states can take on the key recommendations of the Special Rapporteur
- What is the role of national human rights institutions and what steps can such institutions take to promote and protect Internet-related human rights issues?

The panellists and the moderator have been chosen with these objectives in mind. They represent the United Nations, United Nations Special Procedures mandate holders, civil society, business and government.

Opening statement: H.E. Navanethem Pillay, High Commissioner for Human Rights

Moderator: Mr. Riz Khan, Al Jazeera

Panelists:

- H.E. Carl Bildt, Minister for Foreign Affairs of Sweden
- Mr. Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- Ms. Anriette Esterhuysen, Executive Director, Association for Progressive Communications, South Africa
- Mr. Carlos Afonso, Executive Director, Instituto Nupef, Brazil
- Mr. William Echikson, Head of Free Expression, External Relations, Communications and Public Affairs, Google
- Ms. Ms. Hesti Armiwulan, Commissioner of the National Human Rights Commission of Indonesia.

Format

With an aim to discuss issues related to the objectives of the panel, the moderator will ask these questions to the panellists and facilitate a debate among them. The panellists will not make separate statements but rather have an exchange of views. Input and questions will also be sought from the floor on a regular basis with the aim of achieving an interactive discussion. States, national human rights institutions, international organizations and non-governmental organizations are encouraged to participate in the debate. It would be highly appreciated if interventions could be kept as short and precise as possible in order to make the panel discussion interactive.

Outcome

The Office of the High Commissioner will, in accordance with the HRC decision 18/27, prepare a report on the outcome of the panel discussion in the form of a summary.

Background

In June 2010, the first cross-regional statement on Freedom of Expression and Internet was made on behalf of nine States in the Human Rights Council. One year later at the 17th session, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank la Rue, presented his report to the Council on the same theme (A/HRC/17/27). At that occasion, a second cross-regional statement was made on behalf of more than 50 states from all geographical regions. Mr. La Rue presented a second report on the right to freedom of expression and the Internet to the General Assembly at its 66th session.