

INTERNET COMPREHENSIVE STUDY
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1. Introduction

By Resolution 52 of the 37th General Conference in 2013¹, UNESCO is mandated to conduct a comprehensive and consultative multi-stakeholder study on Internet-related issues within the mandate of UNESCO, including access to information and knowledge, freedom of expression, privacy, and ethical dimensions of the information society, and containing possible options for future actions. The results of this Study should inform the Organization's reporting on the implementation of the World Summit on the Information Society (WSIS) outcomes to the 38th General Conference in 2015.

This Resolution emerged after an extensive debate by Member States on the Discussion Paper prepared by the Secretariat following the decision taken by the Executive Board at its 192nd session.² The Study is mandated to be intersectoral in nature, drawing on work in Communication and Information, the Social and Human Sciences as well as aspects of UNESCO's action.

The ability of the UNESCO Secretariat to undertake the large-scale consultation required for this Study was shown in February 2013 at the first review event of the World Summit on the

¹ <http://unesdoc.unesco.org/images/0022/002261/226162e.pdf>

² 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.

Information Society (WSIS) outcomes, as well as during the preparation and examination by the General Conference at its 36th session of the document “Reflection and Analysis by UNESCO on the Internet”.

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 access, participation and use. UNESCO as a universal organization with a mandate relevant to many cyber-related issues has proven well placed to foster trust and dialogue at the global, regional and national levels. Through UNESCO, an inclusive multi-stakeholder process as mandated in 37 C/Resolution 52 can provide an important platform for all relevant actors to examine complexities of the issues raised and to propose for consideration well-informed options for action.

3. Background to the Study

An item placed on the agenda of UNESCO’s 192nd Executive Board in October 2013 prompted debate by UNESCO Member States on Internet-related issues of relevance to UNESCO’s mandate. The discussion focused on ethics and privacy in cyberspace, as well as freedom of expression and access.

During the 37th session of the General Conference, Member States affirmed the applicability of human rights in cyberspace and there was general acceptance that UNESCO was an appropriate forum to facilitate and lead discussion on issues within its mandate, including access to information and knowledge, freedom of expression, privacy, and ethical dimensions of the information society. Member States reached a consensus resolution that mandated the Study which is the subject of this Concept Paper.³

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

UNESCO has strong experience which is relevant to this 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, at the 36th General Conference in 2011, Member States

³ The Resolution states that the process of preparation of the study “does not constitute any stage of the multi-stage procedure for the elaboration, examination, adoption and follow-up of declarations, charters and similar standard-setting instruments.” The study should investigate the four subjects in a consultative manner, and provide options to the UNESCO Member States.

examined a document “Reflection and Analysis by UNESCO on the Internet”. UNESCO’s Intergovernmental Information for All Programme developed the “IFAP Code of Ethics for the Information Society” of which Member States took note, inviting the Organization to suggest possible ways of addressing the ethical 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,” endorsed by the Executive Board at its 190th session in 2012. UNESCO has also examined dimensions of online rights in two major 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).

Since 2003, UNESCO has been a major actor in WSIS, and has worked systematically on the six Action Lines it is mandated to lead.⁴ 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.

All of this work and related documents provide important background and contributions to the Study, which will be complemented and taken further through the mandated multistakeholder consultations. The Study will also refer to UN positions on the Internet, such as the Human Rights Council Resolution A/HRC/RES/20/8 on “The promotion, protection and enjoyment of human rights on the Internet” and the UN General Assembly Resolution A/RES/68/167 on “The right to privacy in the digital age”.

5. Process

In line with 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).

Given that these and related issues continue to be debated autonomously in other UN fora, the Study will monitor developments outside UNESCO. In this respect, it is worth noting meetings in 2014 of the ITU, the Human Rights Council, and the UN General Assembly. Amongst other structures for 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 undertaken through UNESCO participation in various international conferences and fora. In addition, the declarations and statements issued by a range of relevant stakeholders around the world will be analysed in order to inform the research.

⁴ 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).

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 are informed by UNESCO's specific mandate and interests, particularly in terms of the principles of human rights, openness, accessibility and multi-stakeholder participation (as elaborated in section 6 below).⁵ The responses to these questions will provide insight to the range of analyses and options regarding the issues at hand.

This concept document is the result of extensive consultations in the first half of 2014, including with all Member State groupings at UNESCO, as well as the Group of 77 and the European Union. There have also been consultations held in Paris during international events such as the meeting of the Intergovernmental Council of the Information for All Programme, the World Press Freedom Day conference, and the Multi-stakeholder Advisory Group of the Internet Governance Forum. Additional fora have included the Global Multistakeholder Meeting on the Future of Internet Governance in Brazil, the Freedom Online Coalition conference in Estonia, and the Stockholm Internet Forum in Sweden.

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.

These four principles 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 support also the underpinnings for the universality of the Internet, which, in turn, is essential for building inclusive Knowledge Societies.⁶ From this angle, the stronger the correspondence of the Internet to these four principles, the greater the universality and its potential to contribute to building Knowledge Societies.

UNESCO's cross-sectoral character is fundamental to its approach to strengthening the universality of the Internet, and the R.O.A.M principles encompass the Organization's work in such areas as efforts to advance universality in education, social inclusion and gender equality,

⁵ As regards issues such as intellectual property rights, "net neutrality" and cybersecurity, these will be considered only inasmuch as they relate to UNESCO's mandate and the four fields of the study.

⁶ 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

multi-lingualism in cyberspace, access to information and knowledge, ethical thinking and press freedom, amongst others. The mandate of the Broadband Commission for Digital Development is also important here, as it links the 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. The significant role of the Internet, as a critical factor in the enabling and realization of human rights, gives added urgency and significance to the removal of discriminatory barriers and technical impediments to accessibility. Considered in terms of the framework outlined in section 6 above, the Study proposes to frame 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 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 on all platforms, including both 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 engagement with National Commissions, civil society and other actors highlights its deep commitment and experience in enabling broad

access to debates underway relevant to the Organization, including to Internet debates through the 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.⁷ Assessed in terms of universality principles for the Internet, the following may 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. Furthermore, 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. To these ends, UNESCO works worldwide to promote freedom of expression on all platforms, including both online and offline.

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 work to promote freedom of expression, media pluralism 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 for all men and women is relevant to this question, including with regard to youth engagement and countering all forms of racism and discrimination.

Multi-stakeholder participation: UNESCO sees freedom of expression as a matter in which each individual has a stake. The Organization has long promoted bottom-up self-regulation as the optimum mechanism for promoting ethical and professional journalism. With regard to cyberspace it is also evident that online media independence entails self-regulatory systems and ethical principles which, in turn, require participative involvement to secure legitimacy and be effective. However, reliance on self-regulation should not be a mechanism for self-censorship or privatized censorship, which may undermine the enjoyment of human rights online.

7.3 Privacy

⁷ <http://www2.ohchr.org/english/bodies/hrc/comments.htm>

The general right to privacy is related to many distinct issues, such as anonymity and human dignity. On the Internet, there are additional related issues, ranging from protection of personal data 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 reconciling rights, and Article 29 of the Universal Declaration of Human Rights sets out this test for the purpose and method required in this regard: “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. UNESCO stands for an appropriate reconciliation of rights and sufficient safeguards to ensure the public and individual interests in the interface between privacy and openness. Privacy also relates to open source technology, which enables scrutiny of privacy protection in the relevant software.

Accessibility: Fundamental to users taking advantage of access to the Internet is the question of 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 could 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, exercise of the right to privacy in relation to other rights in public interest lends itself to multi-stakeholder participation in policy development, 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 and universal values. 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. In a similar vein, this topic has also been explored within the framework of UNESCO's intergovernmental Information for All Programme (IFAP), and has served as a focus for collaboration with UNESCO's World Commission on the Ethics of Science, Technology and Knowledge (COMEST). From the point of view of universality principles, the following may apply:

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, including gender equality, 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 have embedded, whether explicitly or implicitly, in their design a number of 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, which may explicitly or otherwise favour certain behaviors or inhibit the ability of some segments of society to benefit from them. Ethical consideration is required with 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 that serve to mediate our social interactions. 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, 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. Moving Ahead

If extra-budgetary funds can be secured, the Study could be strongly supported by external expertise and by a conference held at UNESCO in early 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 be presented 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 experience on Internet related issues within its mandate, and the extensive consultation that is envisaged for the Study, UNESCO is well placed to nurture this exploration of how the Internet can help Member States achieve their of building inclusive Knowledge Societies.

Appendices:

Questionnaire for the Comprehensive Study

Please submit evidence-based studies, analysis, research or other documents to questions below where you have a contribution to make. We also welcome reference material pertinent to the fields of the study. Where possible, submissions will be put online or referenced as part of the process of gathering information for the study.

The submissions will be complemented by literature surveys and additional research into areas identified as gaps. All materials will be taken into account for the study based on the extent to which they are in alignment with international standards and UNESCO values, and have relevance to the specific mandate and scope of the study.

In regard to the questions below, UNESCO is interested in gender-disaggregated data, as well as answers that consider gender dimensions. Similarly, UNESCO would like to know if the answers to the questions vary when considering communities of various levels of economic development, varying levels of access to ICTs, minorities and other vulnerable groups across the four fields of the study.

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

What can be done to reinforce the right to seek and receive information in the online environment? 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 can be done to institutionalize MIL effectively in national educational systems?

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

What are the current and emerging challenges relevant to freedom of expression online? How can legislation in a diverse range of fields which impacts on the Internet respect freedom of expression in line with international standards? Is there a need for specific protections for freedom of expression for the Internet? To what extent do laws protect digitally interfaced journalism and journalistic sources? What are the optimum ways to deal with online hate speech? How can Media and Information Literacy empower users to understand and exercise freedom of expression on the Internet? What are the optimum systems for independent self-regulation by journalistic actors and intermediaries in cyberspace?

3. Questions related to the field of Privacy:

What principles should ensure respect for the right to privacy? What is the relationship between privacy, anonymity and encryption? What is the importance of transparency around limitations of privacy? What kinds of arrangements can help to safeguard the exercise of privacy in relation to other rights? How can openness and transparency of data be reconciled with privacy? What may be

the impact of issues relating to big data on respect for privacy? How can security of personal data be enhanced? How can Media and Information Literacy be developed to assist individuals to protect their privacy?

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 conceptual frameworks or processes of inquiry could serve to analyse, assess, and thereby inform the choices that confront stakeholders in the new social uses and applications of information and knowledge? How does ethical consideration relate to gender dimensions of the Internet? How can ethics, - i.e. the simultaneous affirmation of human rights, peace, equity, and justice - inform law and regulation about the Internet?

5. Broader issues:

What international, regional and national frameworks, normative guidelines and accountability mechanisms exist of relevance to one or more fields of the study?

How do cross-jurisdictional issues operate with regard to freedom of expression and privacy?

What are the intersections between the fields of study: for example, between access and freedom of expression; ethics and privacy; privacy and freedom of expression; and between all four elements? Responses may wish to distinguish between normative and empirical dimensions to these questions.

What pertinent information materials exist that cut across or which are relevant to the four fields of the study?

6. Questions related to options:

What might be the options for 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 might be options for the role of UNESCO *in 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.

For each study field, what specific options might UNESCO Member States consider, including for the Organization's Global Priorities of Africa and Gender Equality, shaping the post-2015 development agenda, supporting the goals of Small Island Developing States and taking forward the Decade for the Rapprochement of Cultures?

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") to inform the Director-General's report on the implementation of WSIS outcomes to the 38th session of the UNESCO General Conference. 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 established 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, normative guidelines and accountability mechanisms 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 or in kind contributions can be sourced for this purpose. Should no additional resources be made available, the Secretariat will need to analyse material contributed within the remits of its ongoing activities.

