WSIS+10 series: From access to trusted access – human rights in the WSIS+10 Review

When the two-part World Summit on the Information Society (WSIS) was held in 2003 and 2005, one of the key agreements reached among world leaders related to the necessity to bridge the digital divide between developed and developing countries. In the fourth of a series of posts on the WSIS+10 process edited by LSE alumna Anri van der Spuy, Nicolas Seidler, policy advisor on Internet governance and human rights and the Internet at The Internet Society (ISOC), investigates whether human rights considerations are recognised as an important consideration in the debate about how to design an Internet where user trust is key.

Connecting the unconnected doesn't stop at access

In the past 10 years, we have seen unprecedented progress in connecting the unconnected: since 2005, the number of Internet users has tripled from about one billion to over three billion in 2015. We live today in an era where being part of the online, connected world has unleashed new possibilities for users that infuse nearly every aspect of our everyday lives. While 4.1 billion people are still unconnected to the Internet (however 95% of the global population is now within reach of a mobile signal), exponential developments in mobile Internet access reinforce confidence that the vision of an Internet for everyone is within reach in the near future.

But the story doesn't end with simple access.

Of the 3.2 billion users of the Internet, how many can guarantee that their online communications will not be monitored or censored? How many feel safe expressing opinions online without fear of arrest? How many really feel confident that they are communicating anonymously online?

An increasing number of security and privacy issues about the way personal data is treated have served to undermine trust in the Internet itself. Government surveillance, corporate and government data breaches, practices that erode privacy, and mass cracking incidents have led to concerns among Internet users that the web is not the safe space they think it needs to be.

WSIS and human rights

In the past 10 years of trying to implement the WSIS priorities for development (the so-called WSIS 'action lines'), there has been a growing realisation that access is not meaningful without user trust. Trust is the key for a sustainable information society, and trust is impossible when fundamental human rights that people have offline are not respected online.

The WSIS Summits in 2003 and 2005 contained several references and commitments to human rights, in particular to the Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948. This trend has continued as part of the WSIS+10 Review concluded at the UN General Assembly in New York.

In many respects, the language about human rights contained in the final WSIS Outcome Document (which has been recently developed with input from various countries, organisations and individuals), is marked by continuity with past principles such as those in the UDHR. The text reaffirms the right to freedom of expression set out in Article 19 of the UDHR, and the right to

privacy set out in Article 17. It also emphasises that such rights may be limited in some exceptional cases which mirrors the provisions of Article 29 of the Declaration.

As in the original WSIS outcomes in 2003 and 2005, the WSIS+10 Outcome Document does not mention all human rights that may be relevant in the digital age. For example, the right to education, covered by Article 26 of the Universal Declaration, is not singled out in the Document, even though the Internet has certainly changed the ways and means by which people gather knowledge in many parts of the world.

However, there are a number of interesting aspects – and some peculiarities – to the draft Outcome Document that also reflect key recent developments at the intersection of human rights and Internet governance. A paragraph on the right to privacy, for instance, explicitly calls upon all states to review their procedures, practices and legislations regarding the surveillance of communications and the interception and collection of personal data.

The policy implications of revelations about mass surveillance by the NSA whistleblower Edward Snowden were also reflected in the UN Resolution on Privacy in the Digital Age (68/167) and in the United Nations Human Rights Council's decision to appoint a UN Special Rapporteur on the Right to Privacy in the Digital Age. The draft WSIS Outcome Document borrows from this Resolution and also reaffirms that the same rights that people have offline must also be protected online. The origin of this seemingly straightforward principle goes back to 2012 and the Human Rights Council – an inter-governmental body within the United Nations system comprising 47 states responsible for promoting and protecting human rights around the world – which first highlighted this principle in its Resolution 20/8. This principle related to the promotion and protection of human rights online and was eventually reflected in many international documents, including in the preparatory process for the WSIS+10 Review.

Overall, provisions such as this, combined with the fact that the topic of human rights has a dedicated and visible section in the draft WSIS Outcome Document (compared to a "preamble" status in the original WSIS Declarations), indicate that human rights have now taken a strong foothold in the Internet governance space.

Beyond WSIS: human rights and the Internet

Not only have traditional human rights institutions like the Human Rights Council started to consider Internet-related rights issues since 2011, but dedicated forums for discussing Internet governance such as the Internet Governance Forum (IGF) have also seen an increase in the number of workshops and sessions dedicated to human rights in the past few years. Further, specialist UN agencies like UNESCO have also dedicated significant attention to rights issues in the online environment, for example by organising an international conference to discuss the first draft of its Comprehensive Study on Internet-related issues.

This apparent trend towards connecting high-level debates about the future of the Internet with human rights considerations should be bolstered in the future. Issues related to online freedoms are not solely legal, political, or technical issues: they are located somewhere in between, and require the shared perspectives and collaborative expertise of many stakeholders from many different fields.

That said, whilst the principles proclaimed in the WSIS+10 Review Outcome document and other Internet governance instruments may be positive, they are only the first step to bringing about a trusted information society where human rights are respected online as well as offline. I believe that the collaboration patterns that have been established between governments, civil society, business and the technical community over the past 10 years – as illustrated in the WSIS+10 Review process – will be essential to make this a reality for those who are connected, as well as for those who are yet to join an Internet of opportunities.

This blog gives the views of the author and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics and Political Science.

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