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INTERNATIONAL SEMINAR ON THE INFORMATION SOCIETY, HUMAN RIGHTS AND HUMAN DIGNITY. FINAL REPORT

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**INTERNATIONAL SEMINAR ON THE INFORMATION
SOCIETY, HUMAN RIGHTS AND HUMAN DIGNITY
FINAL REPORT**

On June 17th and 18th the International Seminar on the Information Society, Human Rights and Human Dignity took place at McGill University, Montreal, Quebec, Canada.

This seminar followed the International Symposium on the Information Society, Human Dignity and Human Rights held November 3-4, 2003 in Geneva. The November seminar was part of the preparatory process for the first phase of the December, 2003 United Nations World Summit on the Information Society (WSIS) which took place in Geneva. The November seminar concluded with a Statement on Human Rights, Human Dignity and the Information Society.

At the June 2004 seminar in Montreal, the participants critically assessed the achievements of the WSIS' first phase, addressed issues that had not received adequate attention in the WSIS *Declaration of Principles*[1] and *Plan of Action*[2], and discussed ways of contributing to the ongoing WSIS process. The evident normative standard against which the seminar participants assessed the WSIS process and made their proposals for its Second Phase (the 2005 Tunis Summit) was the defense and implementation of human rights and the protection of human dignity.

The proposals that emerged from the Seminar can be divided into two related parts: general proposals and specific proposals.

I.   General Proposals

A.   Reflections

Since the WSIS process addresses the very complex and contested issue of the Information Society, there is a clear need for in-depth reflection. On the conceptual level, there are nagging questions such as whether it would be better to use the term "knowledge society" or "communication society". Articulating relationships between advances in technological development and social effects also evokes perplexing questions. The information field is crowded with intellectual landmines and beset with all the misleading traps of social, economic and technological determinism. In the post-Geneva phase of the WSIS there is still an opportunity for contributions to the discussion from academics that may be helpful for reviewing the process in Tunis.

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[1]   UN, World Summit on the Information Society, 1st phase, 12 December 2003, *Declaration of Principles*, WSIS-03/GENEVA/DOC/4.
[2]   UN, World Summit on the Information Society, 1st phase, 12 December 2003, *Plan of Action*, WSIS-03/GENEVA/DOC/5.

- Participants propose the establishment of a high-level academic panel that would provide a systematic analysis of Information Society issues. The results of the panel's reflections could be presented at the Tunis meeting by such respected individuals as Nelson Mandela and Amartya Sen.

- Participants propose that the Tunis meeting resolves to establish an Independent World Commission on the Information Society. One of the tasks of the Commission – in collaboration with the UNHCR – would be to review existing international agreements pertinent to the Information Society in light of internationally adopted human rights standards.

B.   Dissemination

The future of the Information Society is a matter of concern for all peoples. For the world's citizens to participate in its design and development, however, the dissemination of knowledge constitutes the first priority. Often, debates on the Information Society are conducted in highly obscure language and are overloaded with technical jargon. The popularization and wide dissemination of knowledge and insight about the Information Society is an urgent matter. The issues at stake in the WSIS process deserve wide public attention and should also attract the interest of the mass media.

- Participants propose that, during the present WSIS phase, an accessible text in everyday language is produced to introduce the issues related to the Information Society and how they affect people's daily lives across the world. This text should be made available by the UN in several different languages and should be widely distributed.

C.   Dialogue

Several of the complex issues raised in the WSIS process can only be resolved through open and public dialogue. If the Information Society is to be an inclusive society its citizens must have the opportunity to debate and explore solutions to perplexing problems such as the future of Internet governance, the need for digital solidarity, a fair balance between intellectual property rights and users' information, as well as cultural needs. Public dialogue is also needed to find an adequate framework for the discussion on clashes between State interests, such as security needs, and civil rights. Such a framework should avoid the current practice of trading off State needs for civil rights and propose a balanced approach to risks for human security and human rights-inspired responses to such risks.

- Participants propose that, in addition to international debates, rounds of national public debates should be organized on Information Society issues. National UNESCO Commissions should play a key role in this initiative and inspire a public dialogue on Information and Communication Technologies (ICTs) as tools for democratic governance and sustainable development.

D.   Capacity Building

Sustainable futures for Information Societies require the development of intellectual, technical, managerial and regulatory capacity in various areas. A clear illustrative case is the need to build regulatory capacity in lower-income countries in the area of intellectual property rights protection. Capacity-building should be self-initiated and part of processes of empowerment.

- Participants stress the need for generous support by donor institutions for capacity-building in the area of the Information Society, particularly in developing countries.

- Participants propose that the capacity-building programs take place in the developing countries themselves.

E.   Awareness Raising

New developments in history always come with positive and negative dimensions. Technological innovations, in particular, inevitably come with costs and benefits. It is understandable that there is a general tendency to look for the euphoric aspects of ICTs and a utopian tone is strongly present throughout the WSIS texts. It is, however, a matter of social responsibility to also demand that attention be focused on the darker side of ICT advances. Broad societal awareness needs to be developed about both the positive potential and the serious risks implicated in ICT development and application.

- Participants propose that the second phase of WSIS give adequate attention to Information Society risks and, in particular, to the currently inadequate regulatory frameworks relating to the proliferation, expansion and intensification of surveillance, monitoring and registration measures (through such tools as smart cards, biometrics and collection of genetic material) that fundamentally threaten civil and political rights relating to the protection of privacy and confidentiality.

II.   Specific Proposals

The specific proposals that were made by the participants can be grouped under the following headings:

A.   On Normative Guidance

Participants propose:

- Exploring the need for a global ethical code of conduct on the issue of security in the framework of human rights, to be adopted by the United Nations General Assembly.

B.   On Legislation, Regulation, and Governance

Participants propose:

- Advancing legislative initiatives on the horizontal effect of human rights in view of the fact that human rights violations are often committed by non-State parties.

- Taking the discussion on future Internet governance out of the narrow framework of debates on the organization of the Internet Corporation for Assigned Names and Numbers (ICANN) and realizing that a whole range of other international actors (such as the International Telecommunication Union (ITU), the Internet Engineering Task Force (IETF), the Institute of Electrical and Electronics Engineers (IEEE), European Telecommunications Standards Institute (ETSI), World Trade Organization (WTO) and World Intellectual Property Organization (WIPO)) is involved.

- That civil society design ways to speak with one voice on the matter of future Internet governance.

C.   On Institutional Development

Participants propose:

- The appointment of a Special UN Rapporteur on Human Rights and the Information Society.

- Exploring the establishment of an independent global institution, the International Telecommunications Authority, to secure future equitable access for less developed countries to the international satellite communications system.

- That all activities of the institutional stakeholders in the WSIS process and beyond are measured against the standards of equity, efficiency and legitimacy.

D.   On International Assistance

Participants propose:

- That assistance be provided to developing countries for the introduction of flat-rate pricing of telecommunications traffic -- an important tool for facilitating universal access and use of telecommunications technology.

E. **On The Global Digital Divide**

Participants propose:

- That the debate on the resolution of the digital divide be positioned within the wider context of the unequal global distribution of wealth among and within countries.

- That policies to address the digital divide be part of global policies for sustainable development and poverty reduction and be guided by the recognition of the right to development.

- That initiatives to address the digital divide be driven by the demands and needs of people rather than by the supply of technological solutions.

F. **On Intellectual Property Rights and Access to Knowledge**

Participants propose:

- Exploring an adequate balance between rights for intellectual property and users' needs for free and open access to knowledge in the sciences and the humanities.

- Putting a strong emphasis on the need for free and public access to knowledge -- essential to the sustainable development of societies.

- That governments abolish the principle of governmental ownership of copyright and put information produced by government in the public domain.

- That the principle of fair use be robustly articulated in international and national intellectual property regimes.

G. **On Cultural Rights**

Participants propose:

- That the international debate on the right to communicate be freed from its current unproductive political polarization so that creative ways can be designed to strengthen people's basic communication rights.

- That the present UNESCO *Declaration on Cultural Diversity*[3] develops into a Convention on Cultural Diversity.

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[3]   Dec. C/44 (XXXI), UNESCO General Conference, 30th sess., UN Doc. 31 C/44 Rev.2 (2001).

- Establishing an Independent International Ombudsoffice for Cultural Rights, following the recommendation of the 1995 UNESCO World Commission on Culture & Development.[4]

III.   Towards Tunis

Participants see the WSIS as an ongoing process to which they want to make a constructive contribution. The proposals made during the seminar will be disseminated to all pertinent stakeholders involved in the preparations for the Tunis conference. Post-Geneva, there is still a formidable agenda of urgent issues and this will also remain the case after the Tunis conference. In fact, the process towards future Information Societies is continuous and reiterative and will, for a long time to come, need the permanent alertness and intervention of the international human rights community. Whatever shape the Information Society may take in socially and culturally different societies, its essential normative standard should be the respect for the dignity of all human beings.

Montreal, June 2004

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[4]   UNESCO World Commission on Culture & Development, *Our Creative Diversity* (1995) at Action 7, online: UNESCO <http://www.unesco.org/culture_and_development/ocd/agenda/protect.html>.