# WSIS+10 High-Level Event: Open Consultation Process Multistakeholder Preparatory Platform
## www.wsis.org/review/mpp

### Phase Six: Fifth Physical Meeting

**28-31 May 2014**

**Geneva**

## Main Outcomes by Chairman

1.  The fifth physical meeting of the Multistakeholder Preparatory Platform (MPP-WSIS+10) (www.wsis.org/review/mpp) was held from the 28-31 May 2014, in the WIPO Headquarters, as part of the Sixth phase of the WSIS+10 High-Level Event Open Consultation process. The purpose of this meeting was to develop draft agreed texts for the WSIS+10 Statement on the Implementation on WSIS Outcomes WSIS, and the WSIS+10 Vision for WSIS Beyond 2015,

2.  The meeting was chaired by Prof. Dr. V. Minkin (Russian Federation), Chairman of the Council Working Group on WSIS and the Vice Chairs of the meeting were Egypt, Switzerland and Saudi Arabia.

3.  More than 140 participants participated in total in the meeting, in a remote and physical manner. All WSIS Stakeholders, that is, governments, private sector, civil society and international organizations took active part in the meeting.

4.  The ITU Deputy Secretary General, Mr Houlin Zhao provided opening remarks. Mr Zhao congratulated all ITU Membership involved in the MPP process, and in particular expressed his gratitude to the Chairman of MPP, Professor Minkin (Russian Federation) and its Vice-Chairs, Ms Nermine Saadany (Egypt), as well as Saudi Arabia and Switzerland for their commitment and efforts leading

He reminded that this preparatory process builds upon several inputs including deliberations at WSIS Forums (2012 and 2013), WSIS+10 Visioning Challenge Initiative, 2013 WSIS+10 Multistakeholder Meeting in Paris, as well as outcomes of ITU Regional Development Forums held in six regions and led by BDT. Almost 500 multistakeholder contributions were processed by secretariat up to now.

Mr Zhao highlighted that WSIS+10 High Level Event is a joint effort of the UN family and re-emphasised on the commitment and hard work from all UN Agencies especially ITU, UNESCO, UNDESA, UNCTAD, UNDP, FAO, ILO, WMO, UNEP, WHO, ITC, UPU, WIPO, UNODC, UNWOMEN and UN Regional Commissions.

5.  The opening session benefitted from the contributions by Mr. Johannes Christian Wichard, Deputy Director General of WIPO, who welcomed all participants of the meeting while underlining commitment to the process.

6.  Mr. C. Wachholz representing UNESCO and Ms. M. Kultamaa representing the CSTD Secretariat also provided remarks. They underlined the importance of the process being an important effort leading towards the Overall Review of the implementation of the WSIS outcomes by 2015. Ms. Kultamaa informed the meeting on the status of the discussions taking place at the UN General Assembly regarding the modalities of the Overall Review. She underlined that for the time being there is no consensus and discussions on this subject will continue.

7.  All the Action Line Facilitators including, ITU, UNESCO, UNCTAD, UNDP, UNDESA, WMO, UNEP, WHO, UPU, ITC,  ILO, FAO, and UN Regional Commissions, as well as WIPO, UN Women contributed towards the development of the Action line documents in the Vision, within their respective mandates. It is important to note that all UN organizations serve as secretariat to the preparatory process, coordinated by the ITU.

8.  The meeting also acknowledged the presence of colleagues from UN Agencies , both in a physical and remote manner, ensuring that the WSIS+10 preparatory process is the one-UN process and that the UN family was working together ensuring that there were no duplications of efforts and resources.

9.  The meeting concluded with final agreed drafts for the WSIS+10 Statement and final agreed draft for WSIS+10 Vision Chapter A and B, with some pending issues in C.

    **WSIS+10 Statement on the Implementation of WSIS Outcomes**
    ➢ Preamble, Chapter A (final agreed draft)

- ➢ Overview of the implementation of Action Lines, Chapter B  (final agreed draft)
- ➢ Challenges-during implementation of Action Lines and new challenges that have emerged, Chapter C (final agreed draft)

**WSIS+10 Vision for WSIS beyond 2015**
- ➢ Preamble, Chapter A (final agreed draft)
- ➢ Priority areas to be addressed in the implementation of WSIS Beyond 2015, Chapter B (final agreed draft)
- ➢ Action Lines,  Chapter C
  
  C1. The role of public governance authorities and all stakeholders in the promotion of ICTs for development (final agreed draft)
  
  C2. Information and communication infrastructure (final agreed draft)
  
  C3. Access to information and knowledge (final agreed draft)
  
  C4. Capacity building (final agreed draft)
  
  C5. Building confidence and security in the use of ICTs (pending para g)
  
  g)   Continue to promote greater cooperation [among the governments and all other stakeholders,] at the United Nations  ~~and~~ and ~~with all stakeholders at~~ all other appropriate ~~fora~~fora, respectively at ~~the~~ national, regional and international levels to enhance user confidence, build trust,~~and~~ and protect both data and network integrity as well as consider existing and potential threats to ICTs; and address other information security and network security issues.]
  
  **Alt 1***:* [ Continue to promote cooperation [among the governments  [at the United Nations ]~~and~~ and with all other stakeholders at the United Nations and   other appropriate ~~fora~~for a] to enhance user confidence, build trust, ~~and~~ protect ~~both~~ data, ~~and~~ network integrity and critical infrastructures; consider existing and potential threats to ICTs; security in the use of ICTs and address other information security and network security issues, while stressing the need to address [cybercrime and]~~cybersecurity issues.~~ ~~at appropriate forums, together with all stakeholders~~ncluding cybersecurity, [and cybercrime]]
  
  **Alt 2**: [Continue to promote cooperation among the governments  at the United Nations and other international organizations and with all other stakeholders at all appropriate fora to enhance user confidence, build trust,  protect  data, network integrity and critical infrastructures; consider existing and potential threats to ICTs; security in the use of ICTs [and address other information security ]and network security issues, while stressing the need to address cybersecurity issues. ]
  
  **Alt 3:** [Continue to promote cooperation among the~~[~~ governments ~~[at the United Nations]]~~ and ~~with~~ all other stakeholders at ~~other~~ the United Nations and other appropriate fora to enhance user confidence, build trust, and protect both data and network integrity and critical infrastructure; consider existing and potential threats to ICTs; security in the use of ICTs and address other [information security] and network security issues, while stressing the need to address ~~cybercrime and~~

cybersecurity issues. ~~[at appropriate forums, together with all stakeholders],~~ ~~including cybersecurity, [and cybercrime]]~~

[including cybercrime] [including cybercrime and cybersecurity .][ including ICT aspects of cybercrime and cybersecurity]

[Cybercrime [and cybersecurity] should continue to be dealt with,[at the United Nations and other appropriate fora] [in appropriate forums, ]

C6. Enabling environment (final agreed draft)

C7. ICT Applications:
E-government (final agreed draft)

E-business(final agreed draft)

E-learning (final agreed draft)

E-health (final agreed draft)

E-employment (final agreed draft)

E-environment (final agreed draft)
*(Please note that the Secretariat has checked, at my request, the recording of the meeting and confirmed that the text in para G, marked in yellow, was replaced by b) and agreed at the meeting, therefore para G is removed from the final agreed text on E-environment.)*

E-agriculture (final agreed draft)

E-science (final agreed draft)

C8. Cultural diversity and identity, linguistic diversity and local content
(agreed but pending para f)

f) [Reinforce [and [enhance] implement at the national level] the recommendations concerning the promotion and use of multilingualism [and universal access to cyberspace]].

C9. Media (meeting has developed three proposals that were requested to be reflected in the documents in a table format)

| Discussion at the MPP Plenary meeting: | UK proposal, discussed with and supported by: Sweden, Australia, Spain, Germany, UNESCO, European Broadcasting Union, Switzerland, APIG, Centre for Internet and Society (India), Austria, Tunisia, IDEA, Cisco Systems, Mexico, United States, Japan, Canada, ICC BASIS, Intel, Internet Society, Health and Environment Program (HEP), Netherlands, and Microsoft.<br><br>It was later supported by The Center for Democracy & Technology, Hungary, Czech Republic. International Federation of Library Associations, Portugal, Association for Progressive Communications, auDA (the ccTLD manager for Australia), Finland, Internet Democracy Project (India) | Proposal: Rwanda and Russia |
|---|---|---|
| Media will benefit from the broader and expanded role of ICTs that can enhance media's contribution to the development goals of the post-2015 Sustainable Development Agenda. [The principles of freedom of expression and the free flow of information, ideas and knowledge are essential for the information and knowledge societies and beneficial to development with recognizing that the same rights that people have offline must also be protected online, including the right to privacy.] | Media will benefit from the broader and expanded role of ICTs that can enhance media's contribution to the development goals of the post-2015 Sustainable Development Agenda. The right to freedom of expression and the free flow of information, ideas and knowledge, and the protection of privacy, are essential for the information and knowledge societies and beneficial to development. The same rights that people have offline must also be protected online. | We reaffirm the continued relevance of all issues highlighted under action line C9 on Media (Geneva 2003) and the need for continued implementation of this action line. |
| 1. [Develop and update national ICT-Media legislation that guarantees the independence, objectivity, social responsibility, neutrality and plurality of the media according to international standards as well as the domestic needs.] | 1.    Develop and update national ICT-Media legislation that guarantees the independence, diversity and plurality of the media according to international standards. | |
| 2. [Continue to take appropriate measures — consistent with [international law][freedom of expression]— to combat illegal [content and to protect vulnerable groups , in particular children, from harmful content in media content] and harmful media content.] | 2.    Continue to take appropriate measures, consistent with international human rights law, to combat illegal media content. | |
| 3. Ensure that women and men equally access, participate and contribute to the media sector, including to decision- | 3.    Encourage equal opportunities and the active participation of women in the | |

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| making processes.<br><br>Alt: Work towards ensuring that women and men equally access, participate and contribute to the media sector, including to decision-making processes.<br><br>Alt: Encourage that women and men access, participate and contribute on equal basis to the media sector, including to decision-making processes. [Alt: [Encourage][Ensure] [Strive] [ to leverage the potential of ICTs] to provide full and effective [equal ]opportunities to women and men to access, participate and contribute to the media sector, [including to decision-making processes]] | media sector. | |
| 4. [Continue to encourage [independent] tradition [neutral, objective, responsible]nal media to bridge the knowledge divide and to facilitate [the freedom of expression] the flow of cultural content, particularly in rural and remote areas.] | 4. Continue to encourage traditional media to bridge the knowledge divide and to facilitate the flow of cultural content, particularly in rural areas. | |
| | 5. Encourage online and offline mass media to play a more substantial role in capacity building for the information society. | |
| 5. Ensure the [safety[ and responsibility] of all journalists and media workers [and their accountability], [taking into account the provisions of article 19 of the International Convention on Civil and Political Rights (ICCPR)]. ,[ including [bloggers] social media producers, and their sources and facilitate the implementation of the UN Plan of action on the safety of journalists and the issue of impunity.]<br> [To ensure the safety of journalists and address the issue of impunity in accordance to UNGA Resolution (A/RES/68/163)] | 6. Ensure the safety of all journalists and media workers, including social media producers and bloggers, and their sources and facilitate the implementation of the UN Plan of Action on the safety of journalists and address the issue of impunity | |
| 6. We reaffirm our commitment to the principles of freedom of the press and freedom of information, as well as those of the independence, pluralism and diversity of media, which are essential to the Information Society. Freedom to seek, receive, impart and use information for the creation, accumulation and dissemination of knowledge is important to the | | |

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| Information Society. We call for the responsible use and treatment of information by the media in accordance with the highest ethical and professional standards. Traditional media in all their forms have an important role in the Information Society and ICTs should play a supportive role in this regard. Diversity of media ownership should be encouraged, in conformity with national law, and taking into account relevant international conventions. We reaffirm the necessity of reducing international imbalances affecting the media, particularly as regards infrastructure, technical resources and the development of human skills. | | |

C10. Ethical dimensions of the Information Society (final agreed draft)

C11. International and regional cooperation (final agreed draft)

The Chapter C, Part III: The paras highlighted in yellow below did not receive consensus.

## III [Action Lines beyond 2015: Looking to the Future

[**We reaffirm** that effective cooperation among governments, private sector, civil society and the United Nations and other international organizations, according to their different roles and responsibilities and leveraging on their expertise, is essential, taking into account the multifaceted nature of building the Information Society.]

[**We emphasize** great importance of continuation of the multistakeholder implementation at the international level, following the themes and action lines in the Geneva Plan of Action, and moderated/facilitated by UN agencies. The coordination of multistakeholder implementation activities would help to avoid duplication of activities. This should include, inter alia, information exchange, creation of knowledge, sharing of best practices, and assistance in developing multi-stakeholder and public-private partnerships.]

[**We reaffirm** importance of the United Nations Group on the Information Society (UNGIS) created by the UN-Chief Executives Board (CEB) upon guidance by Tunis Agenda (Para 103), as an efficient and effective inter-agency mechanism with the main objective to coordinate substantive and policy issues facing the United Nations' implementation of the outcomes of the World Summit on the Information Society (WSIS).] (HEP – delete)

**We welcome** holding of the annual WSIS Forum, which has become a key forum for multi-stakeholder debate on pertinent issues related to the Geneva Plan of Action and note that the Forum's inclusiveness, openness, and thematic focus have strengthened responsiveness to stakeholders and contributed to increased physical and remote participation. [agreed]

**We encourage** all stakeholders to contribute to and closely collaborate with the Partnership on Measuring ICT for Development as an international, multi-stakeholder initiative to improve the availability and quality of ICT data and indicators, particularly in developing countries. [agreed]

**[We emphasize/ recognize** that the commitments to advance gender equality perspectives and undertake the necessary actions throughout the WSIS outcomes, as called for in Para 3 of Preamble under this document, should also be implemented, reviewed and monitored, consistent with other Action Lines, by UN Women in cooperation with other Action Line Facilitators.] (HEP – delete)

**We encourage** all WSIS stakeholders to continue to contribute information on their activities to the public WSIS stocktaking database maintained by ITU. In this regard, we invite all countries to gather information at the national level with the involvement of all stakeholders, to contribute to the stocktaking. [agreed]

**We also welcome** continuation of the WSIS Project Prizes initiative that has been launched by ITU with involvement of all Action line facilitators as a competition that recognizes excellence in the implementation of projects and initiatives which further the WSIS goals of improving connectivity to ICTs), particularly within underserved communities, and provide a high-profile, international platform for recognizing and showcasing success stories and models that could be easily replicated. In this regard, the WSIS Stocktaking Database is of utmost importance in sharing best practices amongst WSIS Stakeholders.  [agreed]

**We emphasize** on the importance of 17 May as World Information Society Day to help to raise awareness, on an annual basis, of the importance of this global facility, on the issues dealt with in the WSIS especially the possibilities that the use of ICTs can bring for societies and economies, as well as of ways to bridge the digital divide. [agreed]]

10. During the meeting, the participants agreed to replace Chapter E with the following three paragraphs  and include them in Chapter B of the Vision:

34.     Developing agreed goals and time-based measurable targets data and indicators along with enhanced monitoring and reporting. [agreed]

35.     Encourage the ongoing assessment of progress towards the information society, as envisaged in the WSIS Outcomes, including through efforts such as the Partnership on Measuring ICT for Development which has been essential for evaluating the implementation of WSIS Action Lines. [agreed]

36.     In this respect, it is necessary to continue to develop appropriate ways and means to make such measurements. [agreed]

11. A long discussion was held on the way forward. Some of the delegates expressed views that if text on WSIS Action Line C9 is not agreed, all Chapter C should not be considered as agreed, and refused to consider other items without reaching agreement on WSIS Action Line C9, while others were open to discuss further with the understanding that Chapter C is essential for the outcomes of the WSIS+10 High Level Event.

12. Some of the delegates requested for reflecting their statements in the Chairman's Report (See Annex).

13. In conclusion the Chairman informed the meeting that the full text with all brackets will be reflected on the website and possibly forwarded to the consideration of the WSIS+10 High Level Event. He offered his availability on 9th June 2014 for the meeting, if needed, with the aim of finalization of the text. He encouraged all stakeholders to conduct consultations to reach consensus for pending items prior to the Event.

14. The Chairman expressed thanks to all the WSIS Stakeholders who participated physically and remotely in the work of the physical meeting, the Vice-Chairmen Ms N. El Saadany (Egypt), Mr M. Almazyed (Saudi Arabia) and Mr F. Riehl (Switzerland), Mr. Houlin Zhao, Deputy Secretary General, Dr. Johannes Christian Wichard, Deputy Director General, WIPO, as well as Ms. Anne Miroux, Head of the CSTD Secretariat, Cedric Wachholz (UNESCO), Mr. Torbjorn Fredriksson (UNCTAD) as well as all UN agencies including ITU, UNESCO, UNCTAD, UNDP, UNDESA, WMO, UNEP, WIPO, WHO, UPU, ITC, ILO, FAO, UN Women and UN Regional Commissions. The chairman expressed his special thanks to the WSIS Secretariat, particularly to Mr Jaroslaw Ponder and Ms. Gitanjali Sah (ITU) and WIPO for their hospitality.

Prof. Dr. Vladimir Minkin
(Russian Federation)

**Link to Documentation:**

- Results of the pre-agreed Chapters during the Fifth Physical meeting: http://www.itu.int/wsis/review/mpp/pages/consolidated-texts.html
- Background Documents: http://www.itu.int/wsis/review/mpp/#background

# Annex

### Statement by the Association for Proper Internet Governance
### Regarding the 28-31 May Multistakeholder Preparatory Platform meeting
3 June 2014

The Association for Proper Internet Governance (APIG)[1] requests that this statement be annexed to the Chairman's report of the Multistakeholder Preparatory Platform (MPP).

## Introduction

APIG has attended all of the preparatory meetings and made numerous written and verbal submissions.  Its representative has actively made constructive suggestions in order to help achieve consensus and APIG has withdrawn various proposals that it considered important when they were challenged by other participants, and this in order to find consensus.  Some examples of such compromises made by APIG are presented below.

APIG is pleased that full consensus was reached regarding the Statement and parts A and B of the Vision, and that consensus was reached regarding most of part C of the Vision.  However, APIG is disappointed that the rigid positions taken by some participants prevented full consensus from being reached regarding Action Lines C5 (Building confidence and security in the use of ICTs) and C9 (Media) in part C.

It must be recalled that the purpose of the discussions regarding part C was to identify action line items that would supplement the agreed action line items of the 2003 Geneva Plan of Action. The world has changed since 2003 and indeed the action lines need to be revisited and supplemented.

Agreement was reached on many supplements to the action lines.  Action line C9 is related to the media, which has undergone dramatic changes since 2003.  Many supplements to this action line are surely needed, but, given the complexity of the discussions, in particular regarding freedom of speech, it was not possible to reach consensus.  Some participants took the view that, absent consensus on C9, none of the other supplements to the action lines could be considered to have been approved by consensus.

This is correct from a procedural point of view: nothing is agreed until everything is agreed. However, APIG is of the view that the supplements to all action lines except C9 and one item in C5 are acceptable as agreed and can be considered independently of C9 and the unresolved item in C5, while recognizing that important issues regarding C5 and C9 remain open and must continue to be discussed.

We present here the following:

1. Considerations on the multi-stakeholder process used during these preparatory meeting
2. Compromises made by APIG
3. Proposals for C5 and C9

## 3. Considerations on the multi-stakeholder process used during MPP meetings

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[1] http://www.apig.ch

The Multistakeholder Preparatory Platform (MPP) meetings were conducted on the basis of equal rights for all stakeholder and no restrictions on participation (except for registration). This allowed a wide variety of views to be heard and resulted in many valuable and diverse proposals being presented for consideration.

The leadership team (chairman and vice-chairmen) was very experienced and skilled, as was the secretariat.

Given the volume and diversity of the submitted inputs, it was APIG's view that the leadership team should have been requested, already after the first MPP meeting, to propose compromise text. APIG regrets that many participants objected to this, and that the leadership team was tasked with proposing compromise text only at a very late state. This is particularly to be regretted because all participants agreed that the compromise text that was presented by the leadership at the end was excellent and formed an appropriate basis for further discussion and refinement. It is likely that progress would have been more rapid, and that full consensus might have been achieved, if the compromise proposals prepared by the leaderhsip had been presented at the earlier meetings of the MPP.

The meeting was conducted on the basis of unanimity. That is, no text was considered to have achieved consensus unless no participant objected to it. While this appears appealing at first sight, it can result in a small minority blocking progress towards a compromise text. And indeed this happened for some portions of the text of part C of the Vision.

If meetings are fully open, and all stakeholders have equal decision-making rights, then any stakeholder can block any proposal that, in its view, threatens its interests. Thus it will be difficult or impossible to reach consensus on delicate issues at such meetings, and this is indeed what happened at the MPP. Allowing private companies (which are stakeholders) to have the same power as other stakeholders with respect to public policy issues is problematic, see the Preamble of our submission[2] to the open consultation conducted by the ITU Council Working Group on International Internet-related Public Policy Issues (CWG-Internet). It is also problematic to allow a small number of participants, even if they are governments, to block progress.

Thus, it should be recognized that multi-stakeholder meetings in which public policy decisions are made by unanimity are not appropriate if the goal is to reach consensus on difficult issues.

An alternative would be to apply "rough consensus" rather than unanimity. But this gives a great deal of power to the leadership team, and thus makes the selection of the leadership team a very delicate matter. Such "rough consensus" cannot be held to be democratic.

APIG is of the view that multi-stakeholder process must be democratic, again, see the Preamble of our cited submission to CWG-Internet.

## 2. Compromises made by APIG

APIG would have preferred that paragaph 2 of the Preambles of both the Statement and the Vision read as follows in order to recognize recent UN Resolutions that highlight the relevance of specific human rights in the context of the evolution of ICTs since 2005, recognizing the well-known legal principle that offline rights apply equally online (our additions are shown as revision marks):

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[2] http://www.itu.int/en/Lists/CWGContributionmar2014/Attachments/25//CWG-March.pdf

We reaffirm the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights; and we also reaffirm paragraphs 3, 4, 5 and 18 of the Geneva Declaration; and we reaffirm the human rights mentioned in relevant UN Resolutions, including, but not limited to:

- A/RES/68/147. Rights of the child
- A/RES/68/163. The safety of journalists and the issue of impunity
- A/RES/68/167. The right to privacy in the digital age
- A/RES/68/227. Women in development
- A/HRC/20/8. The promotion, protection and enjoyment of human rights on the Internet
- A/HRC/RES/21/24. Human rights and indigenous People
- A/HRC/RES/22/6. Protecting human rights defenders
- A/HRC/RES/23/2. The role of freedom of opinion and expression in women's empowerment
- A/HRC/RES/23/3. Enhancement of international cooperation in the field of human rights
- A/HRC/RES /23/10. Cultural rights and cultural diversity
- A/HRC/RES/24/5. The rights to freedom of peaceful assembly and of association
- A/HRC/RES/25/11. Question of the realization in all countries of economic, social and cultural rights

APIG is disappointed that one participant (representing business) objected to inclusion in Action Line C2 (Information and Communication Infrastructure) of the following item, which is based on text agreed at the G20 St. Petersburg meeting[3]:

e) There is a need to identify the main difficulties that the digital economy poses for the application of existing international tax rules and develop detailed options to address these difficulties.

APIG would have preferred that the WSIS+10 recognize the dysfunctional nature of the current copyright regime for what concerns online issues and that an explicit call be included to reform that unworkable regime[4]. In particular, APIG would have preferred that item (f) of action line C6 (Enabling Environment) read as follows (changes with respect to the agreed version are shown as revision marks):

f) Foster an intellectual property rights framework that balances the interests of creators, implementers and users, by drastically reducing the length of copyright, by legalizing non-commercial downloads of copyright material, and by restricting what can be patented.

APIG would have preferred that the WSIS+10 explicitly call for the globalization of the IANA fundtion, by adding the following:

In section B (Priority areas) of the Vision, adding 37:

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[3] G20 Leaders, "Tax Annex to the St. Petersburg Declaration", G20 (6 September 2013), Annex, Action 1 http://www.g20.org/news/20130906/782776427.html
[4] In this context, see 7.3 of http://www.itu.int/en/Lists/CWGContributionmar2014/Attachments/25//CWG-March.pdf and its references.

37) Accelerating the globalization of ICANN and IANA functions.

In action line C1 of the Vision, adding (f):

(f) Agree a formal framework that provides for all governments to participate, on an equal footing, in the governance and supervision of the ICANN and IANA functions, and that provides for effective supervision and accountability of these functions in accordance with paragraphs 29, 35, 36, 61 and 69 of the Tunis Agenda.

APIG would have preferred that (b) and (d) of C10 (Ethical Dimensions of the Information Society) read as follows (changes with respect to the agreed version are shown as revision marks):

(b) Promote respect of the fundamental ethical values in the use of ICTs and prevent their abusive usage, and in particular prevent mass surveillance.

(d) Continue to enhance the protection of privacy and personal data.  Recognize that, in the absence of the right to privacy, there can be no true freedom of expression and opinion, and therefore no effective democracy.  Any violations of privacy and any restrictions on the protection of personal data must be held to be necessary and proportionate by an independent and impartial judge.

See 11 of our submission[5] to the open consultation conducted by the ITU Council Working Group on International Internet-related Public Policy Issues (CWG-Internet) and recall that, as stated by the President of Brazil, Dilma Rousseff, in her speech at the UN General Assembly on 24 September 2013:

"In the absence of the right to privacy, there can be no true freedom of expression and opinion, and therefore no effective democracy."

### 3. Proposals for C5 and C9

APIG would prefer the following texts for (a) of C5 and for C9.

## C5. Building confidence and security in the use of ICTs

a) Continue to promote cooperation among governments at the United Nations and other appropriate intergovernmental forums, and with all stakeholders at other appropriate forums, to enhance user confidence, build trust, and protect both data and network integrity; consider existing and potential threats to ICTs, in particular threats created by weakening or compromising encryption standards; and address other information security (this being understood as defending information from unauthorized access, use, disclosure, disruption, modification, perusal, inspection, recording or destruction) and network security issues, in particular mass surveillance.

a[bis]) Address cybersecurity and cybercrime in appropriate forums.

In the interests of compromise, APIG could accept deletion of the parts highlighted in yellow above.  It should be noted that the text in parenthesis after "information security" was not present in the 2003 version of this text, found in 12(a) of the Geneva Plan of Action.  It has been added

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[5] http://www.itu.int/en/Lists/CWGContributionmar2014/Attachments/25//CWG-March.pdf

in order to make it clear that the term "information security" is used in its ordinary sense[6], and not in other senses.

## C9. Media

Media will benefit from the broader and expanded role of ICTs that can enhance media's contribution to the development goals of the post-2015 Sustainable Development Agenda.

The principles of freedom of expression and the free flow of information, ideas and knowledge, and the protection of privacy, are essential for the information and knowledge societies and beneficial to development, ==recognizing that the same rights that people have offline must also be protected online==.

1. Develop and update national ICT-Media legislation that guarantees the independence, and plurality of the media according to international standards as well as the domestic needs.
2. Continue to take appropriate measures — consistent with freedom of expression— to combat media content that is both illegal and harmful. ==Any such measures must be held to be necessary and proportionate by an independent and impartial judge.==
3. Continue to encourage traditional media to bridge the knowledge divide and to facilitate the flow of cultural content, particularly in rural areas.
4. Ensure the safety of all journalists and media workers, including social media producers and bloggers, and their sources ==(in particular whistle-blowers)== and facilitate the implementation of the UN Plan of action on the safety of journalists and the issue of impunity.
5. ==Ensure the privacy of all media and the secrecy all communications, including E-Mail. Any violations of privacy or secrecy shall take place only if they are held to be necessary and proportionate by an independent and impartial judge. The privacy of all media and the secrecy of all communications shall be respected in accordance with the national laws of all concerned parties.==

In the interests of compromise, APIG could accept deletion of the parts highlighted in yellow above. The first part, "recognizing that the same rights that people have offline must also be protected online", is not necessary, since it affirms a well-known legal principle and since human rights are individible.

It should be noted that the text proposed for 2 clarifies the text of 24 (c)) of the Geneva Plan of Action. That text could be misunderstood to imply that one could combat content that is harmful but not illegal. But such is not the case, since content can only be restricted if it is illegal, pursuant to article 29(2) of the Universal Declaration of Human Rights and article 19(3) of the International Covenant on Civil and Political Rights. That is, the Geneva Plan of Action already enshrined the principle that there should be fewer restrictions on online freedom of speech than on offline freedom of speech, because the online content can be restricted only if it is "illegal and harmful". In this respect, see 7.1 of our submission[7] to the open consultation conducted by the ITU Council Working Group on International Internet-related Public Policy Issues (CWG-Internet).

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[6] http://en.wikipedia.org/wiki/Information_security
[7] http://www.itu.int/en/Lists/CWGContributionmar2014/Attachments/25//CWG-March.pdf

Regarding 4 above, whistle-blowers are sources for journalists, so they are already included and their explicit mention can be omitted.

Regarding 5 above, see 11 of our cited submission to CWG-Internet.

We have omitted an action line regarding gender equality in media because we believe that a strong statement regarding gender equality should apply to all action lines and thus should appear as a chapeau before action line C1. We propose the following for this chapeau (the language is that proposed by UN Women for a potential new action line, slightly modified since it is not proposed here as an action line):

> We commit to promote progress in implementing gender commitments enshrined in the WSIS outcome documents and forward-looking recommendations by pursuing practical and joint measures to advance women's empowerment within the Information Society. The goal is to realize women's meaningful access to ICTs and full integration of women's needs and perspectives, and their equal participation as active agents, innovators and decision-makers. Also critical are connecting and heightening understanding of online and offline realities and addressing underlying factors that hinder women's engagement in the Information society. Finally, we seek to develop more coherent approaches, as well as increase investments, attention and accountability measures.
>
> 1. *Gender Analysis:* Promote the use of "gender analysis" and associated tools and methodologies in the development of national, regional and related global frameworks, strategies and policies and their implementation, as well as better connect with women's empowerment communities and frameworks.
>
> 2. *Holistic Approaches and Structural Issues:* Address underlying women's empowerment issues in the information society, such as gender stereotypes, specific or pronounced threats to women, such as online violence, as well as provide analysis and actionable recommendations on gender issues that cut across action lines.
>
> 3. *Support to Action Lines and Stakeholders:* Work with and across Action Lines and specific stakeholder groups (e.g. private sector) to accelerate integration of gender equality within their remits through identification of overarching issues, programmatic opportunities, requisite investments, policy interventions, case studies and learning, and promote participation of women and gender equality stakeholders.
>
> 4. *Data and Monitoring Progress:* Prepare scorecards on Action Line and National level reporting on women's empowerment. Support and promote the work of the Partnership on the Measurement of the Information Society Working Group on Gender.

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