Rikke Frank Joergensen from the Danish Institute for Human Rights
On behalf of the Human Rights Caucus

1. The civil society human rights caucus would like to express our support to the open
and inclusive approach, which has been taken so far by the working group on Internet
Governance. However, we wish to express our concerns with the following issues.

2. Internet governance has important impact on human rights and democracy. Whether
defined broadly or narrowly, at least human right issues of privacy, freedom of
expression, access to information, and the public domain of knowledge are at stake in
Internet governance. The effective enjoyment of freedom expression and the right to
assembly is tightly linked with the protection of privacy. In addition, the current
forum for domain name management is a private party, dominated by a limited number of
countries and based on a contract with a single
government. This lack of inclusion of especially developing countries
also applies to many Internet protocols and standard setting bodies. Any
decision resulting from WSIS on Internet governance must ensure that
future mechanisms are human rights compliant, both through their
composition and governing structures and through regular assessment of
their decisions.

3. The civil society human rights caucus is deeply concerned with the
tendency to address any Internet related aspect within the framework of
Internet governance. We recognize that a number of transnational issues
related to Internet lack a global space for political discussions and
agreement. However, discussions on issues such as privacy, freedom of
expression, prohibition against discrimination, access to information,
intellectual property, and illegal content, must be addressed within a
human rights framework. Internet governance must not result in a lawless
zone escaping international human rights protection. This is especially
important since, in the information society context, a number of human
rights are threatened.

4. We agreed to develop an information society based on human rights. As
reaffirmed in the Geneva Declaration of principles, the information
society should be based on the Universal Declaration of Human Rights and
the UN Charter, protecting and upholding the universality and the
indivisibility of all human rights, and their centrality to democracy,
the rule of law and to development. The protection of human right
standards is the first responsibility of governments. It is a state
responsibility to ensure that Internet governance mechanisms are compliant with human right standards, that there are means to enforce them, and that governments can be held accountable for human rights violations, including before international courts. Holding governments responsible and accountable for human rights protection does not exclude the active participation of private parties and civil society; however there must be clear divisions of responsibility.

5. An essential feature of Internet relates to its transnational nature. International agreements have traditionally been based on the assumption of territorial jurisdiction, whereas Internet is a global communication forum. One of the results of the World Summit of the Information Society in Geneva was a growing acceptance of the Internet as a global commons. This implies effective access for all countries to participate in decisions regarding enjoyment of this common good.

6. Internet governance mechanisms can and should further human rights by ensuring an enabling environment that protects and enforces human rights standards and democratic principles of inclusiveness, transparency, checks and balances, and the rule of law.