



ARTICLE 19

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Explanation: *We have identified agreed language from resolutions by UNGA or HRC, or language from reports by UN Special Procedures, to support our recommendations, where possible, with a view to facilitating the development of the zero draft of the Pact for the Future (the Pact).*

Chapeau

We recommend the chapeau affirms four core principles:

- 1) *The Pact will integrate and mainstream a gender-sensitive human rights-based approach as the core principle for all provisions.*

The Pact affirms that the existing international human rights framework underpins all its provisions and annexes, as enshrined in the UDHR 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.

- 2) *Affirmation of the importance of Freedom of Opinion and Expression for the enjoyment of all human rights and sustainable development.*

The Pact reaffirms that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights. This right constitutes an essential foundation for democratic societies and for sustainable development. It is a critical tool to combat corruption and disinformation, to strengthen democracy, the rule of law and good governance.

⇒ Source:

Reaffirming that the right to freedom of opinion and expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media, is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, that it constitutes one of the essential foundations of democratic societies and for sustainable development, including the 2030 Agenda for Sustainable Development, and that it is critical to combating corruption and disinformation, strengthening democracy, the rule of law and good governance, and that the effective exercise of the right to freedom of opinion and expression is an important indicator of the level of protection

of other human rights and freedoms, and bearing in mind that all human rights are universal, indivisible, interdependent and interrelated, both online and offline (pp4, A/HRC/RES/50/15 on Freedom of opinion and expression).

3) Affirmation that the same rights apply offline as well as online.

To realize the UN Secretary-General's vision of 'an open, free and secure digital future for all', the Pact re-affirms that the same rights that apply offline also apply online.

⇒ Sources:

Affirms that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights (op1, A/HRC/RES/47/16 on The promotion, protection and enjoyment of human rights on the Internet).

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms, and affirming that the same rights that apply offline also apply online (pp3, A/HRC/RES/53/29 on New and emerging digital technologies and human rights).

Stressing the importance of applying a human rights-based approach when providing and expanding access to the Internet, and of the Internet being open, accessible and nurtured by multi-stakeholder participation, and noting the importance in this regard of the Internet Governance Forum (pp21, A/HRC/RES/47/16 on The promotion, protection and enjoyment of human rights on the Internet).

4) Importance of multi-stakeholder engagement

Diverse and independent stakeholders across civil society, academia, private sector, and the media will be engaged continuously throughout the development and the implementation of the Pact in a transparent and inclusive manner.

⇒ Source:

Multi-stakeholder initiatives have helped to enhance transparency, accountability, collaboration, and participation of civil society on various issues of sustainable development. More efforts should be made by States and other participants to expand existing initiatives and develop new ones. Transparent, rigorous assessments should be carried out with input from all stakeholders to draw lessons and improve results (para. 73, A/HRC/53/25 on Sustainable development and freedom of expression).

Chapter I. Sustainable development and financing for development

*States need to protect those on the frontlines of sustainable development, including disadvantaged communities, human rights defenders, and journalists.

⇒ Source:

States should protect those on the frontlines of the struggle for sustainable development, including disadvantaged communities, human rights defenders (including environmental, land and Indigenous rights defenders) and journalists (para. 110, A/HRC/53/25 on Sustainable development and freedom of expression).

Chapter II. International peace and security

With regard to counter-terrorism:

*The UN must consistently review and assess national counter-terrorism laws and ensure integration of the recommendations of the Universal Periodic Review, UN Human Rights Treaty Body and Special Procedures Mechanisms, and the OHCHR.

*States must undertake intersectional human rights proofing in the drafting and development of counter-terrorism legislation, including through the requirements of sunset clauses, as well as through adequate provision of open and inclusive public consultation.

*States must repeal laws that regulate “extremism”, which as a criminal law category has no purchase in international law.

*States must adopt measures to ensure domestic laws and efforts to prevent violent extremism comply with international human rights, humanitarian, and refugee law and meet the international law requirements of legality, non-discrimination, proportionality, and necessity.

*States must ensure, while addressing the development, use, and transfer of new technology to surveil, that these technologies are not used to curb civil society participation and do not impinge on the exercise of their full human rights, including the right to privacy and freedom of expression.

*States must exercise legal powers governing the regulation or restriction of information online with existing international human rights standards (including internet shutdowns or blocking websites) and exercise those powers only as necessary as part of a proportionate, necessary, and non-discriminatory response to empirically identified terror or security threats.

*States must ensure that, in development, use, and transfer of biometric technologies, including in the context of border management, they strictly observe the principles of legality, necessity, proportionality, and non-discrimination.

*States must address the disparate and discriminatory impacts, including along race, age, and gender lines of the development, use and transfer of technologies for counter-terrorism purposes.

=> Source:

[Global Study on the impact of Counter-Terrorism on civil society and civic space](#), A/78/520, Special Rapporteur on the promotion and protection of human rights while countering terrorism, p47, 53, and 80.

Chapter III. Science, technology and innovation and digital cooperation

*The private sector must urgently mainstream and implement the UN Guiding Principles on Business and Human Rights across the life cycle of digital technologies.

*The Pact must promote universal, free, open, interoperable, safe, reliable, and secure use of and access to the Internet, including through protecting human rights and by refraining from undue restrictions, such as Internet shutdowns, arbitrary or unlawful surveillance or online censorship.

=> Source:

Stressing the importance for all Member States, and stakeholders as appropriate, to promote universal, free, open, interoperable, safe, reliable and secure use of and access to the Internet by facilitating international cooperation aimed at the development of media and information and communications facilities in all countries, by respecting and protecting human rights and by refraining from undue restrictions, such as Internet shutdowns, arbitrary or unlawful surveillance or online censorship (pp14, A/C.3/78/L.49/Rev.1 on Promotion and protection of human rights in the context of digital technologies).

*The Pact must focus on closing the digital divides and enhancing the use of information and communications technology to promote the full enjoyment of all human rights for all.

Note: we recommend adding the detailed suggested actions for States as outlined in OP8, A/HRC/RES/47/16 on The promotion, protection and enjoyment of human rights on the Internet

=> Source:

Calls upon Member States to work with relevant stakeholders, including the private sector and civil society, to take steps to close all digital divides, including through creating an enabling and inclusive regulatory environment for small and non-profit Internet operators, and to promote digital inclusion by addressing the challenges associated with access, affordability, safety, digital literacy and digital skills, ensuring that the benefits of new and emerging digital technologies are available to all without discrimination of any kind (op8, A/C.3/78/L.49/Rev.1 on Promotion and protection of human rights in the context of digital technologies).

*States and companies must systematically conduct human rights due diligence throughout the life cycle of digital technologies, including artificial intelligence systems, through regular and comprehensive human rights impact assessments and the participation of all relevant stakeholders.

=> Source:

Encourages States and, where applicable, business enterprises to systematically conduct human rights due diligence throughout the life cycle of the artificial intelligence systems that they conceptualize, design, develop, deploy or sell or obtain and operate, including through regular and comprehensive human rights impact assessments and the participation of all relevant stakeholders (op13, A/HRC/RES/54/21 on The right to privacy in the digital age).

Calls upon the private sector and all relevant stakeholders to ensure that respect for human rights is incorporated into the conception, design, development, deployment, operation, use, evaluation and regulation of all new and emerging digital technologies and to provide for redress and

effective remedy for the human rights abuses that they may cause, contribute to, or to which they may be directly linked (op6, A/C.3/78/L.49/Rev.1 on Promotion and protection of human rights in the context of digital technologies).

*Any interference with the right to privacy, including through the use of surveillance technologies, must be consistent with the principles of legality, necessity, and proportionality.

=> Source:

States should ensure that any interference with the right to privacy is consistent with the principles of legality, necessity and proportionality (op2, A/HRC/RES/54/21 on The right to privacy in the digital age).

To refrain from the use of surveillance technologies in a manner that is not compliant with international human rights obligations, including when used against human rights defenders, journalists and other media workers, and to take specific actions to protect against violations of the right to privacy, including by regulating the sale, transfer, use and export of surveillance technologies (op10n, A/HRC/RES/54/21 on The right to privacy in the digital age).

Encourages business enterprises, including communications service providers, to work towards enabling solutions to secure and protect the confidentiality of digital communications and transactions, including measures for encryption, pseudonymization and anonymity, and to ensure the implementation of human-rights compliant safeguards, and calls upon States to promote measures and technical solutions for strong encryption, pseudonymization and anonymity, not to interfere with the use of such technical solutions, with any restrictions thereon complying with States' obligations under international human rights law, and to enact policies that protect the privacy of individuals' digital communications (op12, A/HRC/RES/54/21 on The right to privacy in the digital age).

Chapter IV. Youth and future generations

Chapter V. Transforming global governance