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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Australia,* Austria, Belgium,* Bosnia and Herzegovina,* Brazil, Bulgaria, Chile,* Croatia,* Cyprus,* Czechia, Denmark, Ecuador,* Estonia,* Fiji, Finland,* France, Georgia,* Germany, Hungary,* Ireland,* Israel,* Italy, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Monaco,* Montenegro,* Netherlands,* Nigeria,* North Macedonia,* Norway,* Paraguay,* Peru,* Philippines, Portugal,* Romania,* San Marino,* Slovakia,* Slovenia,* Spain,* Sweden,* Tunisia,* Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America* and Uruguay: draft resolution

47/... The promotion, protection and enjoyment of human rights on the Internet

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming 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,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolutions 31/7 of 23 March 2016 on the rights of the child: information and communications technologies and child sexual exploitation, 38/7 of 5 July 2018 on the promotion, protection and enjoyment of human rights on the Internet, 42/15 of 16 September 2019 on the right to privacy in the digital age, and 44/12 of 16 July 2020 on freedom of opinion and expression, and, and recalling also General Assembly resolutions 70/125 of 16 December 2015 containing the outcome document of the high-level meeting of the Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society, 75/176 of 16 December 2020 on the right to privacy in the digital age, 75/202 of 21 December 2020 on information and communications technologies for development,

Recalling also that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State, and that business enterprises have a responsibility to respect human rights as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework,

* State not a member of the Human Rights Council.



Recognizing the importance of access to information and communications technology for the full enjoyment of human rights, strengthening democracy, the rule of law and empowering civic engagement, for attaining the Sustainable Development Goals and for the response to and a sustainable, inclusive and resilient recovery from the coronavirus disease (COVID-19) pandemic, and recognizing also the need to bridge digital divides,

Emphasizing that, in the digital age, technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption and anonymity, are important to ensure the enjoyment of all human rights offline and online,

Recognizing that the COVID-19 pandemic and the measures taken in response to it have increased the reliance of all sectors of society on the Internet, including persons in marginalized and vulnerable situations, including as a source of information, a means of participation in civil, political, economic, social and cultural life and a means of gaining access to public services, including but not limited to education and health, a source of livelihood, and an arena for the exercise of human rights,

Stressing the need to ensure that measures offline or online for the protection of national security, public order and public health are in full compliance with international law obligations and that the principles of lawfulness, legitimacy, necessity and proportionality are respected, and stressing also the need to protect human rights, including the freedom of opinion and expression, peaceful assembly and association and privacy, and personal data in the response to health or other emergencies,

Noting with concern that almost half of the world's population, especially women and girls, do not have access to the Internet, and noting that the impact of the COVID-19 pandemic exacerbates pre-existing inequalities caused by digital divides,

Expressing concern that many forms of digital divide remain between and within countries, and recognizing the need to close them, including through international cooperation, and recognizing also that the gender digital divide, which includes significant gender disparities in access to and use of information and communications technology, undermines women's full enjoyment of their human rights,

Recognizing that violations and abuses of women's and girls' rights online are a growing global concern that hinder the equal exercise and enjoyment of human rights and fundamental freedoms on the basis of gender, and may deter women from using information and communications technology, which can exacerbate the gender digital divide and widen gender inequalities in society, and that the barriers women using the Internet face, including multiple and intersecting forms of discrimination, are exacerbated by offline inequalities,

Stressing the importance of empowering all women and girls by enhancing their access to information and communications technology, by promoting digital literacy and the participation of women and girls in education and training on information and communications technology, and by encouraging women and girls to embark on careers in the sciences and in information and communications technology,

Recalling articles 9 and 21 of the Convention on the Rights of Persons with Disabilities, which, inter alia, call upon States parties to take appropriate measures to promote access for persons with disabilities to new information and communications technology and systems, including the Internet,

Taking note with appreciation of the Secretary-General's Road Map for Digital Cooperation,¹ presented on 11 June 2020, and the Call to Action on Human Rights, and recalling the report of the Office of the United Nations High Commissioner for Human Rights on promotion, protection and enjoyment of human rights on the Internet: ways to bridge the gender digital divide from a human rights perspective,² and the recommendations contained therein,

¹ See A/74/821.

² A/HRC/35/9.

Recognizing the concept of Internet universality, and in this regard also the Internet universality indicators of the United Nations Educational, Scientific and Cultural Organization as a possible tool to bridge digital divides,

Noting the importance of building confidence and trust in the Internet, not least with regard to freedom of opinion and expression, privacy and other human rights, so that the potential of the Internet as, inter alia, an enabler for development and innovation can be realized, with full cooperation between Governments, civil society, the private sector, the technical community and academia,

Emphasizing that access to information on the Internet facilitates vast opportunities in many spheres of life, including for affordable and inclusive education globally, and is therefore an important tool to facilitate promotion of the right to education, while underlining the need to address digital literacy and digital divides, as they affect the enjoyment of the right to education, not least during the COVID-19 pandemic and underlining also the important role that international and multi-stakeholder cooperation can play in this regard,

Deeply concerned at all human rights violations and abuses committed against persons for exercising their human rights and fundamental freedoms on the Internet, and the impunity for these violations and abuses,

Deeply concerned also at measures in violation of international human rights law that aim to or that intentionally prevent or disrupt access to or dissemination of information online,

Strongly condemning the use of Internet shutdowns to intentionally and arbitrarily prevent or disrupt access to or dissemination of information online,

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,

Considering the key importance of government engagement with all relevant stakeholders, including civil society, the private sector, the technical community and academia, in promoting and protecting human rights and fundamental freedoms online,

1. *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;

2. *Condemns unequivocally* all human rights violations and abuses committed against persons for exercising their human rights and fundamental freedoms on the Internet, and calls upon all States to ensure accountability and effective remedies in this regard, in accordance with their international obligations;

3. *Also condemns unequivocally* online attacks against women and girls, including sexual and gender-based violence and abuse of women, in particular where women journalists, media workers, public officials or others engaging in public debate are targeted for their expression, and calls for gender-sensitive responses that take into account the particular forms of online discrimination;

4. *Recognizes* the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms, including in achieving the Sustainable Development Goals, ensuring to leave no one behind;

5. *Also recognizes* the greater importance of the Internet in the context of the COVID-19 pandemic and the exceptional measures adopted in response to it, and the need for States to ensure, in accordance with their international human rights law obligations, that any such measures do not restrict access to the Internet and, wherever possible, expand access to it, especially for persons in marginalized and vulnerable situations;

6. *Calls upon* all stakeholders in the information and communications technology sector, including Governments, the United Nations system, national human rights institutions, civil society and the private sector, to fully consider the human rights, health and

socioeconomic impact of the COVID-19 pandemic as they strengthen their efforts to bridge digital divides within and between countries, with particular attention to the poorest and those in the most vulnerable situations, as well as women and children, and to promote affordable and reliable connectivity, digital access and digital inclusion, and the expansion of accessible and inclusive public services, distance-learning solutions and digital health services;

7. *Welcomes* the efforts of national, regional and international stakeholders to bridge digital divides, and noting in this regard the eighteenth Francophonie summit on the theme “Connectivity in diversity: digital technology as a vector of development and solidarity in the French-speaking space”, to be held in Tunisia in November 2021;

8. *Calls upon* all States to accelerate efforts to bridge digital divides, including the gender digital divide, and to enhance the use of information and communications technology, in order to promote the full enjoyment of human rights for all, including by:

(a) Fostering an enabling online environment that is safe and conducive to engagement by all, without discrimination and with consideration for individuals facing systemic inequalities;

(b) Maintaining and enhancing efforts to promote access to information on the Internet as one means of facilitating affordable and inclusive education, health, justice and other public services globally, underlining the need to address digital literacy and digital divides;

(c) Promoting equal opportunities, including gender equality, in the design, development, governance and implementation of information and communications technology and in mainstreaming a gender perspective in policy decisions and the frameworks that guide them;

(d) Applying a comprehensive human rights-based approach in providing and expanding access to information and communications technology, and promoting, in consultation with all sections of society, including business enterprises and civil society actors, policies and guidelines for information and communications technology that include specific attention to gender considerations;

(e) Respecting their human rights obligations in the development of regulatory frameworks and legislation on the development and use of digital technologies;

9. *Encourages* all States to support civil society in its efforts to address barriers to digital access;

10. *Also encourages* all States to take the necessary and appropriate measures to promote free, open interoperable, reliable and secure access to the Internet and, in a manner that complies with their international human rights obligations, address disinformation and advocacy of hatred constituting incitement to discrimination, hostility or violence, in order to ensure the full enjoyment of human rights;

11. *Condemns unequivocally* measures in violation of international human rights law that prevent or disrupt an individual’s ability to seek, receive or impart information online, including Internet shutdowns and online censorship, calls upon all States to refrain from and to cease such measures, and also calls upon States to ensure that all domestic laws, policies and practices are consistent with their international human rights obligations with regard to freedom of opinion and expression, and of association and peaceful assembly, online;

12. *Calls upon* States to ensure net neutrality, subject to reasonable network management, and to prohibit attempts by Internet access service providers to assign priority to certain types of Internet content or applications over others for payment or other commercial benefit;

13. *Calls upon* all States to address security concerns on the Internet in accordance with their international human rights obligations to ensure the protection of all human rights online, in particular freedom of opinion and expression, freedom of association and of peaceful assembly, and privacy, including through democratic and transparent national institutions, based on the rule of law, in a way that ensures freedom and security on the

Internet so that it can continue to be a vibrant force that generates economic, social and cultural development;

14. *Stresses* that many States all over the world need support in expanding infrastructure, technological cooperation and capacity-building, including human and institutional capacity-building, to ensure the accessibility, affordability and availability of the Internet in order to bridge digital divides, to meet the Sustainable Development Goal and to ensure the full enjoyment of human rights;

15. *Calls upon* all States to consider formulating, through transparent and inclusive processes with all stakeholders, and adopting national Internet-related public policies that have at their core the objective of universal access and the enjoyment of human rights;

16. *Encourages* the special procedures of the Human Right Council to take these issues into account within their existing mandates, as applicable;

17. *Requests* the Office of the United Nations High Commissioner for Human Rights to study the trend in Internet shutdowns, analysing their causes, their legal implications and their impact on a range of human rights, including economic, social and cultural rights, through robust consultations with stakeholders and building on previous reports, and to present a report thereon to the Human Rights Council at its fiftieth session;

18. *Encourages* States and all stakeholders to share best practices on issues pertaining to bridging digital divides and enabling digital inclusion, including by collecting and providing public access to disaggregated data on access and use by disadvantaged persons or groups;

19. *Decides* to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and with other information and communications technology, and of how the Internet can be an important tool for fostering citizen and civil society participation, for the realization of development in every community and for exercising human rights, in accordance with its programme of work.