

## Internet and Human Rights: The Challenge of Empowered Communities

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### Responses - Stakeholder Technical & Academic Community

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[Shirin Ebadi](#) reminds us of the power of ideas and shows how the free flow of information can give hope to people in their fight for a better life. Her enlightening and inspiring reflections also make it clear, if need there was, how central the Internet is in empowering people to claim their basic rights. Human Rights and the Internet are inexorably linked – they are two sides of the same coin and, consequently, the challenges and opportunities related to this issue cannot be considered irrespective of one another.



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the global, regional, and national levels, having been amongst others Executive Coordinator of the Secretariat supporting the UNs IGF, eEnvoy for the Swiss Foreign Ministry in Berne and Executive Coordinator of the WGIG.

From its beginnings in the early 1970s to its massive worldwide expansion in the 1990s and 2000s, the Internet has evolved from a research project to a central communication, social and economic hub for more than two billion people. The Internet has driven innovation and economic growth. It has driven the process of globalization, from trade to communication and information and it has spread democratic values.

Less than three decades after the end of the Second World War and the adoption of the Universal Declaration of Human Rights (UDHR), Internet pioneers crafted a set of protocols and designs of a networking architecture, which would end up capturing the very essence of Article 19 of the UDHR, thus, enabling people to “seek, receive and impart information regardless of frontiers” on an unprecedented scale.

For Internet users who are currently able to enjoy fast and affordable broadband connections, the Internet is very much part of their everyday lives – the network exists everywhere – from computers, to mobile phones to tablets and within many other objects and applications yet to be invented. In today's high-speed information society, once an idea makes it in the multiple pathways of the network, it is immediately available everywhere.

The Internet as a network of networks has also changed societies and the way people interact with one another. Beyond its societal impact, it has political consequences. Human history has shown that ideas can be powerful agents of evolution and transitions. The Internet unquestionably played a significant role in the Arab Spring. In all the events that led to the uprisings in Egypt, Tunisia, Libya and Syria, it raised awareness and connected people's aspirations for social and political change. The Arab Spring has clearly demonstrated a shared desire for freedom of expression, self-determination and peoples' rights.

The Internet's organic relationship with freedom of expression and freedom of association is not the mere product of chance, but rather the result of specific design choices and considerations that emerged from the development of the technology and the associated protocols. For example, the end-to-end decentralized nature of the network is a fundamental characteristic, which focuses on the edges rather than the center of the architecture. The Internet, by design, empowers users on the margins and acts as a democratic conduit.

At the core of the Internet are open and interoperable standards. Their development is based on processes which are completely open. Anyone who is interested can participate. Bodies like the Internet Engineering Task Force (IETF) require no formal membership – anyone can contribute to the development and evolution of the key protocols that enable information and ideas to be broken into bits and packets from one side of the world to the other. Compared to any other communications medium, it is ultimately the users that define what the Internet is and what it will become. The Internet standards and policy development processes are democracy in action.

This democratic spirit can be found in some of the key documents which highlight the mission statement and work ethic of the IETF<sup>[1]</sup>:

- “We embrace technical concepts such as decentralized control, edge-user empowerment and sharing of resources, because those concepts resonate with the core values of the IETF community.”
- “The mission of the IETF is to produce high quality, relevant technical and engineering documents that influence the way people design, use, and manage the Internet in such a way as to make the Internet work better.”

From its very early days, the Internet has evolved through empowered users and communities, and its very success depends on it. While these basic features without any doubt have a positive impact, there are also downsides to the Internet's openness. As Shirin Ebadi points out: [the same technology that is used to foster free expression can also be used to repress it when it is considered “inconvenient” by a government concerned](#). In an age replete with information, where opinions and ideas can travel in just a few seconds across the world, it is not surprising that some authoritarian governments would prefer to slow down this process and set-up speed limits. Suspension of Internet access, slowing down of traffic through bandwidth capping, filtering of websites and/or of their contents, surveillance of online activities, disproportionate sanctions, are but few of the measures which threaten both the Internet's functionality and its ability to promote the exercise of freedom of expression and association. By extension, such measures can further jeopardize many other rights and activities that depend on the free flow of information and ideas, such as education, access to cultural and scientific knowledge, economic participation or innovation.

When authoritarian governments undertake actions to suppress freedom or empowerment online, they do not do so because they necessarily wish to quash the Internet, but rather because this corresponds to their historical approach towards controlling their citizens. As Shirin Ebadi points out, [non-democratic governments have never paid more than lip-service to freedom of expression; the only difference is that the Internet makes this clearer to the rest of the world](#).



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The open and global network is challenging the existing international governance system, which is based on the sovereignty of Nation States, as enshrined in the Charter of the United Nations. The notion of national sovereignty goes back to the Westphalian Peace Treaty which ended the 30-years war in 1648. However, the very architecture and design of the Internet ignore the Westphalian concept of national borders<sup>[2]</sup>; the Internet is a borderless technology. This open and borderless nature creates an underlying tension and it is not surprising that some governments would like to change the Internet and to fit it into national borders, often invoking national security as a motivation.

There are plenty of challenges relating to the Internet, also in countries with strong democratic traditions. The Internet has an in-built bias in favor of transparency, the free flow of information and freedom of expression. Therefore, it has an impact on the balance between existing rights and creates new challenges, such as the need to adjust the balance with security, privacy, hate speech or copyright issues. The respect of Human Rights in the online environment can be extremely complex and covers multiple dimensions. As the Internet model has

shown, the multistakeholder model is best suited to deal with complex issues. This approach brings together governments, business, civil society and the Internet's technical and academic communities. It would also seem to be the best approach to deal with Human Rights issues in the online environment.

An insightful study<sup>[3]</sup>, exploring the perceptions of the Internet from a number of mainstream Human Rights organizations, provides possible leads. The study reveals what it terms a “paradigm gap” between mainstream human rights organizations and the Internet community. One example is the diverging perceptions of laws and regulations (e.g. the Internet evolved “in spite of” heavy regulation, whereas human rights defenders rely on legal instruments to enforce rights). The study highlights the need to increase dialogue and produce a common understanding between these two communities towards a shared objective: ensuring an open Internet that allows the exercise of Human Rights.

The Internet Society has been trying to contribute to bridging this gap, in particular through its participation in the Human Rights Council. While the Human Rights Council follows traditional UN procedures with limited opportunities for non-governmental actors to participate, it provides nevertheless a platform for advocacy work, not least through corridor discussions and proxy contributions. The Council is a very politicized environment, but it can play an important role in setting course for government action, as well as through its essential Universal Periodic Review process. As a concrete example, the Internet Society took the opportunity to participate in the drafting group of the Resolution on the Promotion, Protection and Enjoyment of Human Rights on the Internet, which was adopted at the 20th session of the Council<sup>[4]</sup>. We proposed the inclusion of a reference to the “open Internet” in the Resolution, which made its way in the final text, but only thanks to a friendly government delegate who happened to share the value of the proposal. <sup>[5]</sup>

To use Shirin Ebadi's first words, “[freedom of speech is the first step to democracy](#)”. We believe that the Internet community has a role to play in keeping the Internet open<sup>[6]</sup> and to work with other stakeholders to provide the fundamental ground for people to express themselves freely online. Everybody has a role to play



and we need to continue working together and join efforts to ensure that different sectors are and continue to feel engaged. The Internet community is committed to open standards and policy development processes, to multistakeholder Internet governance, and to the Internet's global and decentralized architecture. These key characteristics have contributed to the success of the Internet; they also contribute to human empowerment, progress and self-determination.

1. [RFC 3935](#) (2004): Mission statement for the IETF
2. Issue thoroughly covered in MIND edition n°2 on Internet Policy Making, see Bertand de la Chapelle framing discussion.
3. Human rights and the internet - A review of perceptions in human rights organisations, David Souter, Report commissioned by the Association for Progressive Communications (APC)  
<http://www.apc.org/en/pubs/human-rights-and-internet-review-perceptions-human>
4. Resolution on the Promotion, Protection and Enjoyment of Human Rights on the Internet (A/HRC/20/L.13): <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/20/L.13&Lang=E>
5. The UNHRC rules of procedure do not allow Non-Governmental Organizations (NGOs) to make formal text proposals.
6. OpenStand initiative : Principles for the Modern Standard Paradigm : <http://open-stand.org>