

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 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

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-

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

*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

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