

European conference on “Ethics and human rights in the information society”

Strasbourg, 13-14 September 2007

Final recommendations

These recommendations complete the general report and the reports of the round tables of the conference ; they gather and highlight the main proposals made by the participants in their contributions and during the debates.

They are founded on the common vision that reflections and actions regarding ethics should be developed and built on the basis of recognized principles and rights in existing international instruments in the various fields concerned in particular the Universal Declaration of Human Rights and the outcome documents of the World Summit on the Information Society (WSIS); the latter resulting from negotiations between stakeholders at the global level which set out a range of fundamental principles including the reassertion of certain principles having prevailed when the Internet was created, such as openness, transparency, education, freedom to information, freedom to create and innovate.

I. Ethics, their inherent principles and their interpretation vis-a-vis human rights

1. Promoting, respecting and protecting human rights in cyberspace

In order to fully benefit from the opportunities offered by information and communication technologies (ICTs) it is imperative that human rights apply both to the virtual world and to the real world. In doing so, this permits individual and peoples-centred development whilst preventing or repressing the negative or perverse effects of ICTs, in other words placing human beings at the centre of the development of knowledge societies.

2. Proclaiming universal ethical principles

Recognising and respecting fundamental universal ethical principles, in particular those concerned with dignity and autonomy, social justice and solidarity, are of paramount importance in order to draw out the best of the positive aspects of Internet and ICTs both for individuals and communities. It is around these principles that Internet governance can be developed in order to continue building inclusive knowledge societies in which there is respect for the values of others and there are expressions of cultural diversity in global networks.

3. Taking action to monitor issues relating to ethics and human rights in knowledge societies

Within the framework of follow-up to and implementation of the World Summit on the Information Society (WSIS), monitoring work could be carried out by an “observatory on ethics and human rights in knowledge societies”, the objective of which would be to measure the evolution and use of ICTs with regard to their impact concerning adherence to fundamental ethical principles. Such monitoring would sensitize, and

promote dialogue between, all actors with a view to ensuring respect for ethical principles.

4. Translating principles into codes of ethics at all levels

The recognition of ethical principles should result in account being taken by all types of actors, collectively or individually, of their significance, as much when they make goods and services available as when they use media. The existence and implementation, at all levels, of concrete and transparent codes of ethics conceived with the participation, where possible, of all interested actors (producers or providers of information systems, servers, search engines, electronic media, discussion forums, etc) will enable the transmission and enforcement of ethical commitments. Transparent self-regulation must be encouraged; it should not result in a defensive attitude by the actors against public regulation but rather should encourage these actors to undertake their responsibilities and respect ethical principles including their transformation into concrete plans of action.

5. Evaluating and taking account of the societal dimension of ICTs from their conception

The choice of ICTs is not neutral and leads to consequences for society. It is therefore recommended that the producers of technological tools reflect, from the moment the tools are conceived and enter their first phases of development, on the societal consequences of their innovations and bear in mind the risks that may result from their use. The designers should adopt a value sensitive design and standardization bodies should encourage them to do so. The precautionary principle should be applied vis-à-vis certain ICTs just as they are in other fields such as technologies impacting on the environment.

6. Encouraging and developing ethics, human rights and media education

Ethics and human rights education should be part of the training for professionals working in the ICT sector. Media education should be generalised and broadly conceived: it should be extended to various actors, and to youth in particular, and should include knowledge of technical, economic and media environments, critical reflections on content and communications, ethics and human rights, ways to express oneself and to behave in a responsible manner in the information society and to comprehend the consequences of actions within the framework of a democratic society. This education is essential to ensure that users have the knowledge and skills to act and make informed and clear consent based choices so that they can be full and responsible stakeholders.

7. Creating a European Internet Governance Forum

Further in-depth reflections and exchanges on all related matters could be undertaken at a regional level within the framework of a European Internet Governance Forum.

II. Dignity and Autonomy

8. Proclaiming and recognising the rights to personal data protection and to private life

Certain uses of ICTs are contrary to ethical principles. For example, ICTs may challenge a person's dignity or intimacy. A person may be reduced to an ever increasing amount of processed personal data or recognized as an object whose presence amongst

others triggers certain actions. ICTs may also enable control over an individual through opaque treatment of personal data or traces left intentionally or inadvertently within cyberspace. This calling into question of an individual's autonomy gives rise to an urgent need for a declaration and universal recognition of the right to the protection of personal data and to private life.

9. Developing an international instrument on the protection of personal data and private life

Recognition, including signature, ratification and implementation, by all States of the Council of Europe Convention (with a global vocation) for the protection of individuals with regard to automatic processing of personal data (1981) and its additional protocol regarding supervisory authorities and transborder data flows (2001) would develop and strengthen the fundamental right to protection of personal data and to privacy. As for other fields in relation to human rights, this Convention stipulates that the only exceptions are those which are justified by a predominant interest, in the matter, and within a legal framework, deemed necessary in a democratic society.

10. Establishing operational measures for the protection of personal data and private life

International meetings involving all stakeholders, including those at a sectoral level if needed, should be organised in order to work out complementary means (legal, technical, educational, etc.) to implement and ensure effective personal data protection and privacy on the Internet.

11. Ensuring the promotion and respect of freedom of expression on the Internet

A person's capacity for autonomy is a necessary condition to ensure her/his freedoms of expression on the Internet and thus her/his contribution to a democratic society. The freedom of expression and, as a corollary, the right to access, without limits, to the expression of others should be reaffirmed and promoted. The only exceptions are those which are justified by a predominant interest in the matter, and within a legal framework, deemed necessary in a democratic society. In this respect, there should be attention given to the keeping of connexion and traffic data, to technical filtering measures and to the blocking of information by public or private authorities, which could be introduced. This assertion leads us to recommend that the storage of traffic or location data, filtering and rating practices, censorship by private actors who are gatekeepers to public communication spaces, such as Internet access providers and search engine providers, should be the object of open and public discussion.

12. Ensuring the promotion and respect of freedom of association and assembly on the Internet

Stakeholders should develop principles for protecting the right of freedom of association and assembly on the Internet. Such principles should reinforce users' rights. Given the growing importance for public discourse of today's social networking tools and the new technologies of tomorrow, knowledge societies need guidelines and clear procedures to enable stakeholders both to work together while at the same time protecting their fundamental freedom of association.

13. Combating cybercrime without prejudice to autonomy and freedom of expression

Combating cybercrime is of major importance if we are to use networks with

confidence. However, this cannot justify disproportionate and unnecessary measures in a democratic society, measures which adversely impact on the autonomy of individuals and their freedoms. The signature, ratification and implementation of the Council of Europe Convention on Cybercrime (2001) and its Additional Protocol as well as the Convention on the protection of children against sexual exploitation and sexual abuse (2007) by all the States should be encouraged.

III. Solidarity and social justice

14. Developing and implementing a policy of universal access

Ethical values of solidarity and social justice should inspire an effective policy on universal access, irrespective of age, race, social or geographical origin, health or gender. This presupposes access for everyone to a minimum level of infrastructure and the capacity of everyone, through education, to express themselves on the Internet. Equally, this presupposes the existence of communication protocols, software and consultation based on open standards. The edge-dominant end-to-end architecture of the Internet is essential to its utility as a platform for innovation, creativity, and economic opportunity. To preserve this, efforts to establish standards or practices that would make it difficult or impossible for some users of the Internet to use the full range of Internet applications of all kinds should be opposed. This presupposes that Internet access providers treat content, sites and platforms equally and provide equal quality of service regardless of the content's source, ownership or destination. This concern for social justice should raise awareness of the use of ICTs as tools to exclude certain categories of the population with regard to access to resources or essential services in our societies. As public funding of education and community-driven initiatives are essential to fairness, equity and access to structures and contents, the creation of a universal service fund for education could be encouraged.

15. Increasing public domain information

The creation of a vast amount of public domain information is a precondition for the democratic participation of all in public life. Access without limits and without discrimination to such information and the possibility to re-use it should be encouraged.

16. Encouraging initiatives which promote knowledge sharing

The movement towards "open contents", "free software", and "user-generated content" should be encouraged as means of facilitating access to knowledge, the development and dissemination of new knowledge and intellectual riches and in contributing to the reduction of the digital divide.

17. Reaffirming the balance of interests which is essential for the protection of intellectual property

The use of ICTs tends to call into question the traditional balance established in legislation between the legitimate rights of authors and neighbouring right-holders and the public interest in having access to information and works. In this context, it is necessary to ensure that lawful and confirmed limitations and exceptions enjoyed by certain categories of users remain applicable in the digital world and that at the same

time copyright is not challenged. To this end, new modes of remuneration for authors and new economic models in the field of cultural industries should be explored.

18. Promoting the expression of all cultures and languages on the Internet

It is critical to recognize and promote the possibility for people from all cultures and language groups to be able to express themselves on the Internet. UNESCO's Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted in 2005, should be extended to encourage individuals and cultural communities to create, produce, disseminate and to have access to their own cultural expressions so that the Internet can be a space where each culture finds its place. Signature, ratification and implementation of this Convention by all states should be encouraged.