

## Human Rights Council Briefing Note: 24th Session

Dear friends,

The [programme](#) for the upcoming session of the [Human Rights Council](#) is now available. This is session the 24th session of the Council (HRC24) and will be taking place from 9-27 September in Geneva.

Plenary sessions will be live streamed and archived at: <http://www.unmultimedia.org/tv/webcast/c/un-human-rights-council.html>

The twitter hashtag for the session is #HRC24

This will be a busy 15 day session, with several full-day non-stop meetings as well as a variety of side-events, open and closed sessions for resolution negotiations, planning sessions and other meetings.

The High Commissioner for Human Rights will present her update, and an interactive dialogue will take place with the Human Rights Advisory Committee as well as a number of Special Procedures, including on indigenous peoples, on truth justice and reparation, and on contemporary forms of slavery. The Commission of Inquiry on Syria will also provide an update to the HRC. There will be the annual discussion on gender integration. The Council will consider Universal Periodic Review (UPR) reports on Bangladesh, Azerbaijan, Russian Federation, Cameroon, Cuba, Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan, Tuvalu, Germany, Djibouti, and Canada.

HRC24 will also present an opportunity, in light of the recent Snowden revelations, to further discuss issues of mass surveillance and privacy rights, building on the [civil society statement](#) from HRC23 calling for some means to ensure more systematic attention by the UN to internet related human rights violations.

We've prepared a short briefing on the three particular internet related human rights items that will be addressed at HRC 24, as well as some background on the Council's work on the internet and human rights.

Should you have additional questions please contact: [deborah \[at\] accessnow \[dot\] org](mailto:deborah@accessnow.org) and [joy \[at\] apc \[dot\] org](mailto:joy@apc.org)

### HRC 24 Agenda items relevant to internet rights

#### Agenda Item 2- Reports by the High Commissioner

In the first week of the session, the High Commissioner will provide her update to the Council on urgent human rights situations that require the attention of the HRC and on her Office's work, which includes reports on specific human rights issues. Two such reports will be up for discussion at HRC24, which may have implications for internet-related rights. These debates will show up under item 2 of the HRC agenda.

##### 1. Safety of Journalists

In collaboration with the UN Special Rapporteur on Freedom of Opinion and Expression, the High Commissioner has prepared a report ([A/HRC/24/23](#)) on the Safety of Journalists, which she will present

to the HRC at this session. The report contains an overview of the situation facing journalists, applicable law and initiatives taken by Member States, UN agencies, and other organizations for the safety of journalists, then identifies good practices that could assist in creating a safe and enabling environment in which journalists are able to exercise freely their profession. The report takes specific note of internet-related issues:

*9. The Internet and other digital media sources have become an essential medium for disseminating news. There is an increasing number of “online journalists”, both professionals and “citizen journalists”, who are untrained yet still play an important role in documenting and disseminating information. In its general comment No. 34, the Human Rights Committee defined journalism as “a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere.” As the number of online journalists has increased, so have attacks against them, such as illegal hacking of their accounts, monitoring of their online activities, arbitrary arrest and detention, and the blocking of websites that contain information critical of the authorities. [p.4]*

The HRC will hold an interactive dialogue with the High Commissioner on Friday, 13 September at 10:00-13:00 (schedule is subject to change) during which Member States and NGOs will have the opportunity to comment on the report.

The report was requested by the HRC last year when the body passed its first ever resolution with a specific focus on the safety of journalists ([A/HRC/RES/21/12](#)). With the resolution, the Council expressed concern regarding ongoing violations of the right to freedom of opinion and expression, condemned in the strongest terms all attacks and violence against journalists and stressed the need to ensure greater protection for all media professionals and for journalistic sources. It also expressed its concern that attacks against journalists often occurred with impunity, and called upon States to ensure accountability, as well as to promote a safe and enabling environment for journalists to perform their work independently and without undue interference.

The Council may pass another resolution on this issue to endorse the findings of the High Commissioner’s report, and potentially to create a mechanism to oversee States’ obligations to protect journalist, including those who function in the online environment.

## **2. Democracy and the Rule of Law**

The High Commissioner will also present a report ([A/HRC/24/54](#)) on democracy and the rule of law, summarizing panel discussion at HRC23 which addressed common challenges facing States in their efforts to secure democracy and the rule of law from a human rights perspective. Recognizing that arbitrary, secretive and non-targeted mass surveillance is indicative of a broader breakdown in democratic principles and the rule of law, the Association for Progressive Communications (APC) and Reporters Without Borders (RWB) together with the organizers of the [International Principles](#) on the Application of Human Rights to Communications Surveillance, Access, the Electronic Frontier Foundation (EFF), and Privacy International have submitted a written [statement](#) to the HRC. The statement highlights the need to bring surveillance practices in line with international human rights norms, in a manner consistent with the Principles, and makes specific recommendations to the HRC. It builds the joint [oral statement](#) at

HRC23 on the impact of State Surveillance on Human Rights addressing the PRISM/NSA case, which attracted support from [over 300 organizations and individuals](#) from all geographic regions.

Related statements:

- [Joint Statement](#) by NGOs in the Republic of Korea on Intelligence Agencies' Internet Surveillance: Electronic Surveillance of Internet Users Worldwide Should Be Stopped
- [Statement](#) by Amnesty International: The US NSA and the UK GCHQ want to listen in on all: Time for the Human Rights Council to discuss their activities

### **Agenda Item 6- Consideration of UPR Reports**

From 18-20 September, the HRC will consider Universal Periodic Review (UPR) reports on: Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan, Tuvalu, Bangladesh, Azerbaijan, Russian Federation, Cameroon, and Cuba. UPR is a peer review mechanism through which all Member States have their human rights records are reviewed and then accepted recommendations to improve their laws and practices.

During this session the final recommendations and reports of these countries will be considered. The full examination of these countries' human rights performance took place earlier this year. Internet related issues were raised in the reviews of Bangladesh, Canada, Colombia, Cameroon, Turkmenistan, and Azerbaijan with [online freedom of expression and hate speech](#) the dominant human rights issues.

Internet related human right issues can arise in a variety of ways in the UPR. For example, following the [arrest](#) of the acting editor of *Amar Desh* and nineteen other employees of that newspaper in April, Bangladesh received [recommendations](#) from Norway and Canada to take steps to ensure “freedom of expression and a safe enabling environment for social media,” and “that civil society can operate without intimidation and to ensure freedom of the press, including for independent media.” These recommendations, in line with concerns expressed by the UN High Commissioner on Human Rights' report on Safety of Journalists, demonstrate growing concern for ongoing violations of media rights online.

For more information about the UPR see: [www.upr-info.org](http://www.upr-info.org)

#### **Items to watch out for:**

- There may be resolutions on **racism** and freedom of **peaceful assembly** and **association** that may refer to the internet.
- **12 September: Annual discussion on gender integration** (*HRC resolution 6/30*)

#### **Side Events:**

- On **16 September** the Norwegian Ministry of Foreign Affairs will hold an event to formally launch the International Principles on the Application of Human Rights to Communications Surveillance. The event will be held 17:00-18:00 in Palais des Nations Building E, Room XXII. The keynote speakers at the event will be UN Special Rapporteur on Freedom of Opinion and Expression, Frank La Rue; Hassan Shire Sheikh, Executive Director of East and Horn of Africa

Human Rights Defenders Project, and Gregoire Pouget, Chef de Projets Nouveaux Médias of Reporters Sans Frontières. For more information on the event contact [rights@eff.org](mailto:rights@eff.org).

- On **20 September** the German Ministry of Foreign Affairs will host an event on the right to privacy, hosted by Germany's foreign minister for cyber policy Ambassador Brenglemann.
- A list of additional side events organized by NGOs can be viewed [here](#)

### **Brief history of internet-related rights at the HRC**

Since 2008 internet related human rights issues have been increasingly raised in the Human Rights Council. Consideration began in earnest with the 2011 report of the Special Rapporteur on Freedom of Opinion and Expression, which focused on the internet. Since then the UN Special Procedures have been leading the examination of internet related human rights issues including the special rapporteurs [on Freedom of Association, Cultural Rights, Racism, Racial Discrimination and Intolerance and Xenophobia](#), and with a [UN Panel Discussion on women's human rights defenders](#).

In February 2012 the HRC held the first ever [panel discussion on freedom of expression and the internet](#). In July 2012, [85 countries](#) supported the Swedish-led resolution (up from 14 governments that supported the 2010 resolution on freedom of expression that referenced the internet) affirming the simple proposition that the same human rights we have offline apply online. Two other internet related trends emerged during 2012. The first was in the [Universal Periodic Review process](#), where human rights defenders and internet activists began joining together to assess the internet rights performance of their governments. By August 2012 they had done so in more than half a dozen countries. Their advocacy is gaining momentum, resulting in internet rights issues being raised more than 40 times by various governments in their peer reviews of each other's human rights performance.

The second trend was in the Human Rights Committee (which oversees the [ICCPR](#)), which began to specifically focus on the internet. In 2011, for example, the Committee ruled that freedom of expression in Article 19 of the ICCPR applies to [internet related expression](#). In 2012, human rights groups engaging at the Committee (many with no previous knowledge or little experience on internet related human rights issues) also began thinking about how they can respond and since then have been turning, in some cases for the first time, to internet activists for help.

Thirdly, in 2011 the HRC adopted Guiding Principles on Business and Human Rights. It then established the Working Group on Human Rights and Transnational Corporations, which is mandated to disseminate and implement the Guiding Principles. The Working Group continues to report back to the Council and discussions of related business and human rights issues appear as agenda items in the Council meetings. The Principles have become a focal point for private corporations in their development of internet related public policy.

In 2013, the focus on internet related issues has continued in the UPR process, in response to revelations about mass surveillance (noted above) and among the work of the Special Rapporteurs.

This briefing has been prepared by Joy Liddicoat ( [APC](#) ) and Deborah Brown ( [Access](#) ).