

## IGF 2016 Workshop Report Template

Session Title	Implementing Human Rights Standards to the ICT Sector
Date	6 Dec 2016
Time	10:15 to 11:45
Session Organizer	Luca Belli and Jamila Venturini
Chair/Moderator	Luca Belli
Rapporteur/Notetaker	Luã Fergus Cruz
List of Speakers and their institutional affiliations	<p><b>Luca Belli</b>, Center for Technology &amp; Society at FGV</p> <p><b>Amos Toh</b>, on behalf of David Kaye, UN Special Rapporteur on Freedom of Opinion and Expression</p> <p><b>Rebecca MacKinnon</b>, Ranking Digital Rights</p> <p><b>João Brant</b>, OBSERVACOM</p> <p><b>Jamila Venturini</b>, Center for Technology and Society at FGV</p> <p><b>Katie Shay</b>, Yahoo</p> <p><b>Peter Micek</b>, Access Now</p>
Key Issues raised (1 sentence per issue):	<ul style="list-style-type: none"> <li>• The action of intermediaries in the ICT sector may have direct impact on individuals' capability to enjoy and exercise their human rights</li> <li>• How the ICT sector can effectively implement its responsibility to protect human rights?</li> <li>• Government actions (law enforcement agencies requests, censorship, internet shutdowns, poorly worded ambiguous regulation, companies creating surveillance mechanisms to assist governments)</li> <li>• Private regulation of content (Lack of transparency on binding documents, privacy policies and dispute resolution; Imposition of global standards on local cultures)</li> <li>• Telecommunication infrastructure safety (IXPs, submarine cables) also deserve attention, as they are important intermediaries on the exercise of human rights online.</li> </ul>
If there were presentations during the session, please provide a 1-paragraph summary for each Presentation	
Please describe the Discussions that took place during the workshop session: (3 paragraphs)	<p>The panelists addressed the central theme of the workshop, the responsibility of intermediaries, commenting on their experiences, initiatives and projects.</p> <p><b>Luca Belli</b> introduced the debate stressing that private entities have a responsibility to respect human rights and both private entities and state actors have a duty to jointly provide effective remedies for human rights violations, although according international law, states are the only actors bearing the duty to protect human rights. This is</p>

	<p>clearly stated by the UN Principles on Business and Human Rights. <b>Amos Toh</b> analysed the future report of the UN Special Rapporteur on Freedom of Opinion and Expression, that will have special focus on the tension between infrastructure safety and respect of individuals' privacy and freedom of expression.</p> <p><b>Rebeca MacKinnon</b> and <b>Jamila Venturini</b> discussed their respective projects analyzing the role of intermediaries. MacKinnon talked about her project, Digital Rights Ranking, and she shared some of the results of the last analysis and talked about the next report to be released in March next year. MacKinnon mentioned several focus areas of the index such as: public commitment to the respect of human rights, data collection and handling; reasons for account or service restriction; notifications of users' restrictions and processing of data requested by governments. Venturini presented the results of the research conducted by the Center for Technology and Society at FGV that analyzed the compatibility of the Terms of Service of 50 platforms with human rights standards. The research was conducted in partnership with the Council of Europe and Venturini highlighted some important results with regard to freedom of expression, privacy and due process, the latter being a novelty item in relation to the analysis of intermediaries' behavior.</p> <p>The other 3 panelists brought perspectives from their stakeholder groups. <b>Brant</b> commented on his experience in the Brazilian Ministry of Culture, where he presented a position related to the protection and promotion of cultural rights in view of the increasing normalization of standards created by intermediaries. <b>Shay</b> exposed a brief history of Yahoo talking about the local actions and how the company decided to engage in human rights issues, more specifically freedom of expression and privacy. She commented on the program created by the company to deal with human rights internally, the Business and Human Rights Program, and explained how it works. Finally, Access Now's <b>Peter Micek</b> brought a civil society perspective and described his organization's work on the responsibility of intermediaries, focused his presentation on the hot topic of internet shutdowns, where he criticized governments and commented on how his organization has acted in global spheres like UN and also helping users with their Digital Security Helpline.</p>
<p>Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways: (3 paragraphs)</p>	<ul style="list-style-type: none"> <li>• Engage companies to participate in the Global Network Initiative. E.g. Bring together startups and companies to exchange information so that business will evolve following HR standards.</li> <li>• Demand Transparency reports</li> <li>• Spread the best practices identified by CTS/FGV Terms of Service &amp; Human Rights report</li> <li>• In addition to being together in a multistakeholder model, also work directly with the private sector</li> <li>• Advocate for initiatives like Yahoo's, who created an internal commitment to human rights, doing an assessment of human</li> </ul>

	<p>rights of new products, and a human rights analysis of acquisitioned firms and products.</p> <ul style="list-style-type: none"><li>• Require transparency not only from intermediaries, but also from states and international organizations involved with internet governance (IETF, ICANN...)</li><li>• Carefully analyze the development and deployment of mechanisms that are related to content filtering, blocking and takedown. Stakeholders should help intermediaries to be responsible and accountable.</li><li>• Require companies to be transparent with regard to takedown, blocking and shutdown orders they receive.</li><li>• Participate in the construction of legislative proposals related to the responsibility of intermediaries that are emerging around the world</li></ul>
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