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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement* submitted by the Transnational Radical Party (TRP), a non-
governmental organization in general consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[16 June 2006]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

ICTs in the promotion and protection of human rights:(a) Status of the International Covenants on Human Rights; (b) Human rights defenders;(c) Information and education; (d) Science and environment

The Transnational Radical Party (TRP) is convinced that "new technologies" may prove invaluable in the promotion and protection as well as affirmation of human rights and welcomed the activities of the United Nations to promote the World Summit on the Information Society (WSIS) to address different possibilities to attempt the bridging of the so-called "digital divide" promoting and strengthening the technological capabilities of developing countries launching a series of concrete projects that should assist dozens of Governments in enhancing the electronic aspects of their mandate, structure and functions. The TRP has always tried to stress the human rights-related aspects of the entire exercise emphasizing the potential of e-democracy rather than those of e-government.

In particular, the TRP believes that information, as much as the "right to be able to be properly informed", a right that is not codified but that is often mentioned by many as essential in democratic societies, are key elements of the freedom to choose, the right to self-government, the possibility to innovate and prosper according to one's choices and needs. For these reasons, the TRP believes that societies, be they local or global, should be "governed" by the universal norms enshrined in major human rights instruments starting from the Universal Declaration, which includes all the aspects of a free, open and accountable "information society".

Free as in freedom of speech, freedom to share knowledge, ideas and creativity in mutual respect, and through peaceful manners, without pervasive or violent restrictions, limitations or control. Free like the ideas that have allowed the development of programs and systems that can be shared and improved by anybody, facilitating a variegated and cooperative human progress.

Open to the multilingual and multicultural contribution of everybody. Open to the scrutiny of the public through policies that regulate the abuse of dominant positions by governmental or private entities, and which also contribute to the elimination of new digital barriers against people with disabilities. Open to the development of programs and applications that guarantee the participation of every individual in the democratic process, and ultimately the enjoyment of civil and political rights, including the right to privacy.

Rights, namely those enshrined in the International Covenant on Civil and Political Rights ratified by over 140 nations, should be fully enjoyed in the digital domain regardless of the political regime that governs a country. No special, let alone emergency laws or regulations should be adopted to govern the Information Society. There should be no difference before the law between those that use, provide or regulate the "information society". To this end, existing human rights mechanisms, such as the UN Human Right Committee should be considered as fora with the appropriate jurisdiction to hear individual or groups' claims if national systems are unwilling or unable to address complaints fairly.

The TRP hopes that the Athens Forum on the Management of the Internet will be able to work in conjunction with the Commission on Human Rights or the future Human Rights Council as well as any other decision maker or IGO charged with the implementation of the outcome of the WSIS paying particular attention to the issues of "e-democracy",

development aid, and non-proprietary software.

The management of a truly global information society should create a context where new technologies should principally serve as another medium to facilitate and enlarge participatory democracy rather than merely strengthening, or rendering more efficient, the ways in which a government – too often not freely and fairly elected – governs its citizens.

International funding and support should not be disbursed for the sake of the mere promotion of ITs, new technologies are a means and not an end in themselves and the purpose they should serve is ascertaining human rights and not equipping Ministries or NGOs with the latest technologies. To this end, tech-aid programs should contain specific “human rights protection/enjoyment/promotion” clauses to bind suppliers and donors (of money as well as technologies) to mechanisms of accountability for the implementation of the outcome of the WSIS.

Lastly, given their flexibility and minor costs, the TRP believes that there should not be discrimination against non-proprietary free/open software. The UN should serve as a facilitator in the endeavour of promoting an information society assisting developing nations in bridging the so-called digital divide. Legal and economic barriers for those operative systems that have an open source of code, and oftentimes are free of charge, should be eliminated. The needs of an information society are not compatible with the rules and regulations that, through legal or economic monopolies (e.g. software patents, excessive copyright and intellectual property rights enforcement, the criminalization of peer to peer technologies etc.) limit the circulation of ideas and creativity. Moreover, free/open software provide the invaluable opportunity to allow the breeding of software engineers in loco, who can adapt the programs to the needs of their environment and culture and vice-versa.
