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**OSCE MEETING ON THE RELATIONSHIP BETWEEN RACIST,
XENOPHOBIC AND ANTI-SEMITIC PROPAGANDA ON THE
INTERNET AND HATE CRIMES**

Paris, 16 and 17 June 2004

Session 4

**French Ministry of National Education and Research (Delegation for
Internet use) and International Academy of Human Rights**

**Proposal for the universal adoption of a charter on ethics and civility
for all users of the Internet**

We have known ever since the Declaration of the Rights of Man and of the Citizen in 1789 that every human right contains within itself its own limits, and no one would think of suggesting that freedom of speech could be used to destroy all other liberties. A time when we see on the Web the misdeeds of racist, xenophobic and anti-Semitic propaganda is no time to lose sight of basic principles.

The conquest of basic human liberties has cost the human race millions of victims. Yet today humanity has the assurance, at least in certain democracies, not only that people's civil and political rights are more or less guaranteed (in particular, as in Europe, thanks to supranational jurisdiction) but also that some of their main economic, social and cultural rights are secured in addition, even if in an incomplete and relatively incoherent way.

But to these two traditional spheres of rights a third, more decidedly universal, has today been added. In an increasingly interdependent world, every individual is henceforward part of a global society, and the phenomenon of globalization affects the economy, law and knowledge, but equally the awareness each and every one of us can have of a world community characterized by ever increasing solidarity.

For the first time in the history of the human race, every man can now address himself directly to every other and raise himself, as it were, to the level of the universal. Each of us can now, in an instant, become the interlocutor of any and every other person and play a positive role in the consolidation of the human community. From the abstract universality of first principles we have gone on, in a few generations, to their possible universalization in fact.

While remaining vigilant to the threat of constantly increasing uniformity, humanity is henceforth in a position to ensure protection of the rights of all persons, and to this extent appropriation of the Web by the world's citizens constitutes a truly revolutionary stage in the appropriation of human rights themselves. Thanks to the Net, the final barrier between individual human beings and the whole community of men is on the verge of falling, an achievement that should enable every human being to live in a world that is a bit fairer, a bit more free and a bit more fraternal.

In contrast to a notion very widely held in the world of law, we have the feeling that the guarantee of basic rights is not just a legal question but a matter that has an ethical dimension as well. The Ten Commandments and the Universal Declaration of Human Rights of 1948 have no true constraining legal force, but no one would deny that these statements exercise substantial power over the consciences of men. As René Cassin has said, "The Universal Declaration represents the first step of an ethical nature that organized humanity has ever taken".

On the Web as elsewhere, neither the law nor moral constraints can effectively regulate everything, and those who wish to disobey will disobey, whatever the sanctions involved may be. Thus the governing of society by law has its limits, and a world in which people could only be ruled by law would soon become a whole new version of totalitarianism. In these circumstances, how do we suppress crime without multiplying the stipulations of written law? How can we bring in this new type of legitimacy born directly of the universal conscience that has taken shape in the ethics of human rights? Since the end of the Second World War the complex of problems associated with liberty versus security has always been with us.

The solution that we propose is as follows. If we may borrow a formulation used in the Universal Declaration, we would say that the adoption "by all peoples, all nations, all individuals and all organs of society" of the *Charter on Ethics and Civility for all Users of the Internet* hereby presented today would guarantee for everyone, whether an official, an entrepreneur or just a private person, the free exercise of his responsibilities, not only as a function of his mission or his interests but also, perhaps mainly, as his personal contribution to the welfare of humanity.

CHARTER ON ETHICS AND CIVILITY FOR ALL USERS OF THE INTERNET

“The growing power available to human beings creates a similarly increasing duty to use that power for the public good.”

René Cassin
(26 September 1968, Statement to the Council of Europe)

REFERRING to the *Universal Declaration of Human Rights* of 1948 (Article 19) and speaking within the context of the *United Nations Decade for Human Rights Education* (1995–2005),

PRAISING the relevance and usefulness of the Code of Good Conduct drafted in 1995 and known under the name of *Netiquette*,

REPLYING to the ideas expressed in the *Declaration of Principles* and in the *Plan of Action* of the United Nations adopted at the *World Summit on the Information Society* (Geneva 2003), which stressed the need to promote the “ethical dimensions of the information society”,

The **PARTIES** to this *Charter*,

NOTING

- that, like all other media, the Internet constitutes, throughout the life of a human being, a permanent means of personal human development at once psychological, ethical and social,
- that, thanks to the Internet, every individual, as both transmitter and receiver, can impart to his ideas an immediate universal dimension, and
- that, because distances, time and inter-individual barriers no longer exist, the Net encourages every individual to behave in accordance with a universally applicable ethic of human rights;

AWARE HOWEVER of the growing use of the Web for illicit purposes and the emergence of numerous dangers to which the most vulnerable elements of the population are exposed, such as

- sexual exploitation of children,

- the development of criminal networks, in particular terrorists,
- incitement to racial hatred, denunciation and slander,
- infringements of privacy and treating people like numbers,
- paradoxical aggravation of the isolation and solitude of individuals,
- theft of information and works created by others,
- commercial corruption and misappropriation of funds,
- the spreading of viruses and undesirable messages,
- the rendering uniform of identities and cultures,
- worsening of the north-south divide between industrialized and developing countries in relation to digital technology;

WELCOMING, however, the existence on both the public and private plane of certain positive initiatives in the direction of self-regulation and a certain effort to make appropriate adaptations in existing legislation with regard to basic human rights (including authors' rights and intellectual property);

DESIRE that all Internet users, public and private, should pursue the *objective* of **putting the Internet genuinely in the service of human development**, for which purpose it is essential:

- to establish on the Web a general climate of **confidence** that will again enable the individual to play his own role within the group,
- to ensure that the Internet does not turn into a juxtaposition of individual egos but, on the contrary, **a universal forum for debate** promoting the establishment of a true **international civil society**,
- to launch an **authentic dialogue** among peoples, cultures and religions which will serve to improve mutual understanding,
- to contribute to the constitution of a **common programme** through the apprenticeship of universal co-operation,
- to assist the largest possible number of persons, in particular young people, to **gain regular access to the information** required for their personal development — including economic development, and
- to **support any and every local initiative**, in the North as in the South, designed to promote equal access to knowledge and information.

In order to attain these objectives, the **PARTIES**

CONSIDER it necessary to recall a number of *principles* which all Internet users, public or private, should observe,

- bearing in mind that human solidarity can develop only if all its members are capable of development,
- ensuring that the Internet is used with absolute respect for human dignity, and without discrimination of any kind,
- respecting the laws in force, to the extent that they themselves respect the principles on which human rights are founded,
- applying in all sincerity the traditional values of honesty, courtesy, politeness, civility, loyalty, decent behaviour, and confidentiality which constitute the basis of human civilization, and
- acting in conformity, due account being taken as necessary of such reservations as they are obliged to make, with the principles set out in this *Charter*, whether they are private individuals, professionals or public service employees,

PROPOSE that a certain number of *measures* should be taken by the international community, such as:

- the organization of special **training** with a view to mastering information and communication technology and the ethics associated therewith,
- the institution of **transnational co-operation with a view to solidarity** designed to reduce disparities in digital technology,
- the creation of an **International Committee on Ethics for the Use of the Internet**

and **ADOPT** the following articles:

Article 1

All individuals are entitled, without discrimination, to make use of the provisions set out in this Charter.

Article 2

Access to digital technology is a fundamental, universal and inalienable right.

Article 3

Every man is entitled to protect himself against the applications of digital technology, subject to the provisions of the law.

Article 4

Users of digital technology must, in all circumstances, respect the identity, freedom of expression and right to privacy of all persons.

Article 5

Free access from any place to digital technology and the principle of anonymity must be respected and recognized everywhere.

Article 6

Digital technology must not be a vehicle for discrimination, incitement to hatred or acts aimed at destroying the integrity and dignity of human beings.

Article 7

Digital technology is intended to serve the principles of solidarity between individuals and mutual assistance among peoples.