

WCIT Watch Day 2: Everyone Loves Free Expression!

by [Emma Llansó](#) [1]

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"Freedom of expression" was the phrase of the day on Day 2 of the World Conference on International Telecommunications (WCIT), as delegates debated [Tunisia's proposal](#) [2] to include in the treaty an explicit reference to the right to freedom of opinion and expression, as guaranteed by Article 19 of the Universal Declaration of Human Rights. With delegates from China, to Europe, to the US all opposing the measure, the language was ultimately not adopted into the treaty. But was Member States' commitment to free expression really driving this decision?

The Tunisia proposal asserted that:

"Member States [must] acknowledge that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice..."

Reactions to the proposal embodied a prime example of the range of motivations and interests in play at this conference. Host country UAE and ITU Secretary General Hamadoun Touré supported the measure, likely in an effort to show that the treaty is not intended to violate free expression principles – a charge they've been fighting persistently in the media. Some opponents of the proposal, including the US, indicated that a direct reference to free expression both off and online could paradoxically expand the scope of the treaty to include Internet content and networks. All delegates agreed that Member States continue to be bound by their existing obligations under human rights law.

The discussion gave Member States from around the world, and the ITU Secretariat, plenty of opportunity to [espouse deep commitments](#) [3] to freedom of expression, online and off. Yet while Secretary General Touré assured delegates that "we are not going to be challenging Article 19, or indeed any other article in the Universal Declaration of Human Rights," good intentions alone are not enough to ensure that. Delegates from all nations must continue to consider each proposed treaty revision for its potential impact on human rights – as we've [argued for months](#) [4], a number of [proposals](#) [5] raise real [questions](#) [6] for privacy and free expression, regardless of whether the ITRs mention Article 19.

We're pleased to hear that Member States "overwhelmingly supported the importance of Article 19" – that's the kind of consensus among world governments that we can get behind. Yet proof of this support will come not in statements at a conference, but in the implementation of treaty provisions and development of national law. As we've [seen time and again in the US](#) [7], Internet policy can be complex and, if not carefully considered, can result in collateral damage for free expression and other fundamental rights. The best way to avoid these unintended consequences is to develop Internet policy with expert input from a range of stakeholders, including human rights advocates and the technical community. Here's hoping that we can get an emerging global consensus for the multistakeholder model, as well.

Still to come this week: discussion of the Russian Federation's [Internet-specific proposal](#) [8], which sparked a brief but divisive debate at today's main session; continued wrangling over the treaty's scope in the "recognized operating agency" versus "operating agency" [face-off](#) [9] and other definitional disputes.

Matthew Shears in Dubai for CDT contributed to this report.

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