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PERMANENT MISSION OF INDIA TO THE UN, GENEVA

**HUMAN RIGHTS COUNCIL
17TH SESSION (30 May-17 June 2011)**

**AGENDA ITEM 3: Interactive Dialogue with Special Rapporteur on the
Promotion and Protection of
the Right to Freedom of Opinion and Expression
(03 June 2011)**

Statement by India

Mr. President,

We thank the two special procedures for their reports but would like to confine our remarks to the report by the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Mr. Frank La Rue.

2. We thank the Special Rapporteur for his report which is a timely, useful and informative study on the right to freedom of opinion and expression on the internet. The Special Rapporteur has elaborated on general principles on the right to freedom of opinion and expression on the internet, including the test that must be applied to any restrictions permitted under Article 19 (3) of ICCPR. He has examined some of the restrictions being applied on the internet, including arbitrary blocking or filtering of content, criminalization of legitimate expression, imposition of intermediary liability, disconnecting users from internet access, cyber attacks and inadequate protection of the right to privacy and data protection. We note his emphasis on enhancing access to the internet and his reference to the Government of India's public e-kiosk initiative to address the digital divide.

Mr. President,

3. We strongly support the Special Rapporteur's concern at proposals to disconnect users from internet access if they violate intellectual property law. We believe that while due care must be exercised to protect intellectual property rights, such measures fail the requirements of Article

19 (3) of ICCPR. We would be particularly watchful of incorporation of any such measures in the Anti-Counterfeit Trade Agreement which we, in any case, reject as being non-transparent and inimical to the interests of developing countries.

4. In conclusion, Mr. President, we would like to make two important points with regard to the subject-matter of the Special Rapporteur's report:

a) One, we regard internet as a global public common with great potential as a powerful catalyst for socio-economic development. To that extent, we strongly believe that it is essential to have democratic, multilateral decision-making on global public policy issues pertaining to internet governance, something which is currently not the case;

b) Two, the digital divide exists not only because of differential access to internet, but also in terms of quality of access, content and application generation, language, and relevance, on account of inadequate promotion of cultural and linguistic diversity by the current internet management. In the context of promoting the right to freedom of opinion and expression on the internet, it is of limited relevance to merely have access to the internet if the internet speed is so inordinately slow so as to prevent any meaningful access to a website, or if there are relatively few websites that are in a language or have content that resonates with the cultural and linguistic diversity of the users.

Given our own national experience in the light of our cultural and linguistic diversity, we cannot stress these two points enough.

Thank you, Mr. President.
