



WSIS+20 Consultations

IMSB-led Virtual Stakeholder Consultation on revision 2

8 December 2025

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ARTICLE 19

Excellencies, colleagues, thank you for the opportunity.

I am Anna Oosterlinck, and I speak on behalf of ARTICLE 19, a local to global human rights organisation, focusing on freedom of expression and related rights.

During our WSIS+20 advocacy, ARTICLE 19 has collaborated across stakeholder communities including through the Global Digital Rights Coalition for WSIS.

Ambassador Janina, Ambassador Lokaale, thank you for engaging so openly with all stakeholders throughout the review process.

I would like to start with one general remark on a question I've heard many times. Sustainable development versus human rights. There is no "versus". It is not about choosing one above the other. Sustainable development and human rights are interdependent and mutually reinforcing. Human rights are universal, belonging to everyone, everywhere, without distinction. Therefore, human rights drive the equitable, inclusive, and sustainable development that works for all people, as set out in the 2030 Agenda.

Moving to revision 2. As a general point, we recommend strengthening human rights safeguards across the whole text, particularly on DPI, data governance, and AI.

In the interest of time, I will focus on the human rights section and refer to our written inputs for other sections. We strongly recommend returning to the zero draft in this

section as that represented strong text, with all language taken from agreed UN language and therefore reflecting States' existing obligations.

Six issues with rev 2 stand out:

1. Para 65: we recommend reinserting language from the zero draft at the end referencing access to information, freedom of expression and freedom of assembly and association.
2. Para 67: strengthen the language on human rights due diligence by adding "regular, comprehensive human rights impact assessments" in line with OP20(a) of resolution A/RES/78/213.
3. Add OP20(b) of A/RES/78/213 as a new or add into an existing paragraph, reflecting States' existing obligation to refrain from or cease using digital technologies that are fundamentally incompatible with human rights.
4. Para 68 should reflect more comprehensively existing private sector obligations as per the UN Guiding Principles on Business and Human Rights: (a) *all* human rights apply to the *entire* lifecycle of *all* digital technologies, not only new and emerging technologies. Gender equality and digital inclusion are key requirements. And (b) private actors also need to take measures to prevent and mitigate harms and should ensure human oversight, accountability and legal responsibility.
5. Para 73: Return to the zero draft, reflecting verbatim PP14 of 78/213 and PP21 of A/C.3/80/L46/rev1: all should "refrain from undue restrictions such as Internet shutdowns, arbitrary or unlawful surveillance or online censorship" – which more comprehensively captures the ways in which actors shape, restrict or monitor internet access and communication. Ideally, in addition to Internet shutdowns, the text should address blocking, filtering and throttling of online content when used as censorship.
6. We suggest reinstating para 89 of the zero draft on the crucial question of surveillance. That paragraph also includes the fundamental rule that any limitation to freedom of expression and the right to privacy must be subject to the narrowly defined principles of legitimacy, legality, necessity, and proportionality in accordance with international human rights law.

Finally, we applaud the reference to the Sao Paulo Multistakeholder Guidelines to apply to multistakeholder and multilateral digital policymaking processes.

Thank you.