

# Submission # 51

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**How would you define the stakeholder community or communities to which you belong?**

Academic

**Are there any suggestions that you wish to make in respect of the proposed themes, questions and indicators which are included in the framework as it stands?**

In relation to Rights:

There seems to be a degree of inconsistency in relation to when practical implementation is emphasised. For example, practical implementation is included in the indicator for A.2 relating to whether “the law recognise that rights and laws apply equally online and offline”, but practical implementation is not included in the indicator for whether “citizens have access to due process to address violations of rights, online and offline, by state or non-state actors” (A.3). In my view, practical implementation is equally important in the latter context.

A related matter appears in E.1 addressing whether “right to privacy guaranteed in law and respected in practice”. The relevant indicator listed is stated as “Constitutional or legal definition of privacy and right to privacy”. However, I wonder whether this indicator takes sufficient account of practical implementation.

E.2 asks: “Is the protection of personal data guaranteed in law and enforced in practice, with respect to governments, businesses and other organisations, including rights of access to information held and to redress?”. The included indicators are all relevant. I would perhaps add an indicator specifically focused on what exemptions are included in applicable legal frameworks.

In relation to Multistakeholder:

One potential measure to consider is the extent to which courts allow for, and take account of, amicus briefs.

**Are there any suggestions that you wish to make in respect of the proposed themes, questions and indicators which are included in the framework as it stands?**

In relation to Rights:

In the context of C.2 (“Does the government block or filter access to the Internet or to specific online services, applications or websites, and on what grounds is this exercised?”), a distinction may be useful between, on the one hand, governments blocking locally based on local law, and on the other hand, governments blocking globally based on local law. In fact, it could be said that the document as a whole pays too little attention to the cross-border aspects of the issues addressed.

In relation to Accessibility:

The paper mentions that “The principle of accessibility to all reaches far beyond mere connectivity, for example, to include issues of [...] content” (p. 17). This raises interesting issues regarding content-differentiation based on geo-location technologies. In that context, it ought to be noted that geo-location technologies may cater for diversity online by preventing global blocking based on local laws.