

Submission # 57

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Country/Region:USA

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

Civil society

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?

There could be more attention paid in the indicators to the issue of discrimination against individuals/groups. The description of Category R makes reference to "non-discrimination" but the indicators that follow do not point to the need for an overarching commitment in law and practice to protecting individuals/groups from discrimination. There are references to discrimination in licensing and vis-a-vis content, as well as a reference to discrimination in Category E of the cross-cutting indicators, but this focuses broadly on the existence of a "framework" concerned with, inter alia, discrimination. It is also noteworthy that there is no mention of "freedom of religious belief".

The section on ECSRs (Category R, Theme F) is thin: the distinct issues of employment, health, and education (all grouped together in indicator F.1) should probably be broken out into distinct indicators. Also, there should be a reference to, and perhaps an indicator for, "the right ... (b) To enjoy the benefits of scientific progress and its applications; (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author" (ICESCR Art. 15).

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?

Other than in the accessibility section (Category A), it is not clear from my reading whether the indicators are meant to also apply to mobile network communication systems, which are the primary means through which many people access the Internet. Given that those networks/systems are often governed by a distinct set of laws and regulations (which are often separate from those governing broadband ISPs and over-the-top Internet services), it may be worth clarifying this.

What sources and means of verification would you recommend, from your experience, in relation to any of the questions and indicators that have been proposed?

As a general matter, it is noteworthy that the "contextual indicators" are much more concrete (pointing to existing, credible data sources) than the rest of the indicators, which tend to beg further questions about how one should try to measure them and/or make credible assessments. For example, Category R, Indicator B.2 on whether restrictions on freedom of expression are in accordance with IHRL, simply re-states the question as an answer, without pointing to any potentially useful sources or resources for answering the question. I understand that it is difficult to identify specific, existing, credible sources of analysis for many of these questions/indicators, but perhaps there could be more said up front to acknowledge this issue and provide general guidance to those that would use this resource on where to look and how to assess credibility. There are a growing number of credible resources on laws and policies applicable to the Internet which are freely available to researchers (including the Global Network Initiative's "country legal frameworks" repository - available on globalnetworkinitiative.org). This project could benefit by listing them (perhaps in an index) and maintaining an evolving list online.