

PLENARY MEETING

Document 25-E
8 November 2012
Original: English

Tunisia

PROPOSALS FOR THE WORK OF THE CONFERENCE

PROPOSAL FOR ADDITIONS TO ARTICLE 1 AND ARTICLE 5

Introduction

Tunisia believes that the following additions will help ensure that the provisions of protection of privacy and freedom of expression will be respected in the implementation of the ITRs, especially in steps taken to ensure confidence and security of telecommunications/ICTs.

ARTICLE 1

Purpose and Scope of the Regulations

ADD TUN/25/1

1.0 1.0 In implementing the provisions of these Regulations, Member States shall protect the Right to Freedom of Expression as recognized by Articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and by Article 33 of the Constitution; and thereby protect access to all dissemination means through telecommunication/ICTs in the exercise of this right as well as the freedom of online peaceful assembly and of association and all other rights on which States shall impose no limitations other than those permitted by international law, in particular international human rights law (HRC Resolution 21/25).

Member States 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, in accordance with Article 19 of the Universal Declaration

of Human Rights and the International Covenant on Civil and Political Rights; (HRC Resolution 20/8).

In this regard, Member States shall ensure that any restrictions placed on the exercise of the Right to Freedom of Expression through the means of telecommunication/ICTs should be in accordance with the criteria set forth in Article 34 of the Constitution and of Article 19 of the International Covenant on Civil and Political Rights

Reasons: This addition would ensure that the provisions of protection of privacy and freedom of expression will be respected in the implementation of the ITRs.

ADD TUN/25/2

ARTICLE 5A

Confidence and security of telecommunications/ICTs

ADD TUN/25/3

41A In implementing the provisions of these Regulations, Member States shall protect the Right to Freedom of Expression as recognized by Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and by Article 33 of the Constitution; and thereby protect access to all dissemination means through telecommunication/ICTs in the exercise of this right as well as the freedom of online peaceful assembly and of association and all other rights on which States shall impose no limitations other than those permitted by international law, in particular international human rights law (HRC Resolution 21/25).

Reasons: Introducing this new 41A will ensure that any subsequent paragraphs under Article 5A would respect the provisions of protection of privacy and freedom of expression specified in this proposed 41A.
