



27TH ANNUAL MEETING OF THE ASIA-PACIFIC PARLIAMENTARY FORUM (APPF)

SIEM RIEP (CAMBODIA), 14-17 JANUARY 2019

“STRENGTHENING PARLIAMENTARY COOPERATION IN THE PROMOTION OF THE RESPONSIBLE USE OF CYBERSPACE FOR SOCIAL PROGRESS”

DRAFT RESOLUTION SPONSORED BY THE CHAMBER OF DEPUTIES OF CHILE

Recalling the Sustainable Development Goals of the 2030 Agenda adopted in September 2015, whose Goal 16 has the purpose of promoting peace, justice and the building of efficient, inclusive and transparent institutions, implying the obligation of guaranteeing access to public information;

Bearing in mind the World e-Parliament's Report 2016, prepared by the Inter-parliamentary Union, which states that information and communications technology (ICT) can transform parliaments, that the parliaments must be committed to digital transformation and that social networks are important tools which allow citizens to connect easily with their elected representatives;

Reinforcing valid international treaties, especially what is set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, where every person has the right to participate in their country's government, as well as the right to a private life, freedom of expression and freedom of association and assembly;

Reasserting that the same rights people have outside the Internet, must be protected when they are connected, just as established in resolution A/HRC/20/L.131 from June 29th 2012 and A/HRC/RES/26/132 from June 2014 from the United Nations Commission on Human Rights;

Considering that, even though ITC have a great potential to encourage civic participation and move towards strengthening democracy, they are vulnerable to surveillance, interception and undue gathering of personal information by States, companies and other non-governmental sectors;

Highlighting the importance of the Tunis Agenda for the Information Society to guarantee the stability and security of the Internet and the legitimacy that its governance requires, based on the participation of all the stakeholders;

Bearing in mind that children use ITC a great deal, increasing the risk that they are exposed to exploitation, violence and child pornography, and remembering in this regard, the Convention on the Rights of the Child and the Optional Protocol of the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography;

Recalling Resolution 65/230 of the United Nations General Assembly of 2010 about the importance of an exhaustive study on cybercrime;



Considering Resolution 68/167 approved in 2013 by the United Nations General Assembly where, apart from acknowledging the global open nature of the Internet and of information and communications technology, the advance of ITC as a tool capable of speeding up development in many areas, the right of all persons to a private life, States are urged to guarantee the protection of people's private lives, of said rights as well as revising their procedures, practices and legislation regarding surveillance information, interception and undue gathering of personal information;

Bearing in mind Resolution 68/167 of the United Nations General Assembly about the right to intimacy in the digital age, adopted by the General Assembly on December 18th 2013, which foresees the protection and promotion of the right to intimacy;

Acknowledging that lawful surveillance, subject to appropriate safeguards in the framework of duly established and supervised legal processes, may be an important tool to support the duty of governments of guaranteeing the security of their citizens and of protecting the human rights of people who are in their country and are subject to their jurisdiction;

Concerned, however, by the fact that indiscriminate unlawful surveillance of online communications may violate the people's right to private life, or of the sovereignty and security of the States and that may interfere with freedom of expression;

Acknowledging that cyberspace is inappropriately used for illegal and terrorist activities and that it is a critical issue that may cause serious damages not only to property but also to the loss of human lives;

Agreeing that anonymity and interconnectivity in cyberspace set out important issues when it comes to adopting suitable measures to combat the improper use of cyberspace regarding cybernetic attacks and cyberterrorism;

Recognizing that it is not desirable that the government alone addresses cybernetic threats, as most of the Internet's infrastructure is private property;

Considering that the digital gap that exists between companies complicates efforts to guarantee a safe and reliable cyberspace;

Aware that given the unrestricted nature of cyberspace, individual efforts of one country to address the problems of cyberspace are not enough;

Acknowledging that the Asia-Pacific region is a geographic area that is subject to large scale natural disasters and that ITC, especially cyberspace, are an invaluable tool to reinforce education and sensitize communities about reducing the risk of disasters, as reflected in the Sendai Framework for Disaster Risk Reduction 2015-2030;

Ratifying the principles of the Asia Pacific Parliamentary Forum destined to consolidate peace, liberty, democracy and respect for human rights contained in the Tokyo Declaration of 1993, the Vancouver Declaration of 1997, Valparaiso Declaration of 2001 and the New Tokyo Declaration of 2012;

Seeing that the promotion of civic commitment is key to strengthening democracy and that the 2015 APEC Leaders Declaration recognizes the fact that to achieve inclusive growth, the participation of all sectors and segments of society is necessary, including women, young people, people with



disabilities, indigenous people, low income groups, among others;

Recognizing that innovation can help face the challenges and create advances towards sustainable development, just as mentioned in the Strategic Plan 2016-2025 of the APEC Policy Partnership on Science, Technology and Innovation Working Group and Resolution No. 10 on Fostering Innovation and Connectivity, approved during the 24th Annual Meeting of the Asia-Pacific Parliamentary Forum;

Recalling the Joint Ministerial Declaration, in particular its Annex "APEC Statement on promoting the use of interoperable Global Data Standards", adopted in Beijing, on November 8th 2014, in the 22nd Annual Meeting of APEC Ministers, which reasserts that as the relevance of transactions from Governments and the private sectors increases, the importance of safeguarding interoperability of the key player's systems also increases; thus efforts to achieve a dialog on policies destined to establish international standards for IT data are appreciated;

Remembering also Annex F "APEC Initiative of Cooperation to Promote Internet Economy" of the Joint Ministerial Declaration of the 22nd Annual Meeting of APEC Ministers, the ITCs became part of the traditional industries, converting them into a new more integrated economic ecosystem, inasmuch these technologies facilitate trade, access to information, which empowers consumers and improves opportunities for small and medium sized companies as well as for individual entrepreneurs;

Hereby rules:

To strengthen the commitment of Asia-Pacific Parliamentary Forum member countries regarding human rights in cyberspace, especially those related with privacy and freedom of expression;

To reassert the commitment of APPF member parliaments to protect the freedom of expression and privacy, and to encourage cooperation between governments, stakeholder organizations, private companies and civil society to counteract cybernetic crimes and attacks, solidifying technological collaboration and the creation of capacity to combat cybernetic crimes.

To lobby APPF member parliaments to effectively legislate to provide victims with suitable means to report irregularities in the government, including illegal activities which infringe civil rights;

To urge parliamentarians to promote bills to reject and inhibit espionage and widespread surveillance which violate Human Rights and International Law, that threaten the economy and the independence of the markets and that affect international relations and respect between States;

To reinforce mechanisms and parliamentary supervisory powers of the intelligence service's activities in cyberspace to guarantee that laws are always respected;

To encourage the competent authorities to promote regional cooperation initiatives to define regional standards which guarantee that domestic intelligence agencies respect international laws in this regard in cyberspace;

To encourage the use of free software which allows encrypting communication in cyberspace, incorporating in this way, safeguards to the privacy of users in the region's countries;



To promote regional consensus to define and classify the behavior of cybernetic information and crime, in order to legislate as needed to guarantee the protection of society against crimes.

To promote the creation of a regional agency to fight against cybercrime and guarantee that organizations in charge of applying the law and the judicial systems are duly trained in ITC matters;

To foster within APPF member countries, cooperation between public and private sectors in cybernetic security strategy, defined by the governments and international organizations which are materialized in technological and management measures;

To invite member parliaments to develop mechanisms that allow undertaking joint actions to face the problems of cybersecurity;

To promote cooperation between governments, competent organizations, private companies and civil society to fight against cybernetic terrorism, crimes and attacks and to request a robust association for technological support and the creation of capacity to combat cybernetic terrorism and crimes;

To encourage the exchange of best practices in legislative matters which allow harmonizing legal frameworks to protect the Internet from cyberattacks;

To urge Member States to collaborate in capacity creation efforts by strengthening human talent and training programs to protect key information and communications infrastructure;

To invite Member States to disclose and share their best practices regarding the use of cyberspace;