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Librarians, Libraries, and Article 19 of the Universal Declaration of Human Rights

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Introduction

In talking about librarians, libraries and Article 19 of the Universal Declaration of Human Rights I would like to focus on the work of the International Federation of Library Associations and Institution's (better known as IFLA) and their Committee for Freedom of Access to Information and Freedom of Expression – widely known as FAIFE. In particular, I want to look at its recent activities and statements on areas of concern around Article 19 as well as the current plans to develop a new professional network which will support the work of IFLA in freedom of access to information and freedom of expression.

It is perhaps appropriate to start by restating Article 19 of the Declaration of Human Rights:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers

As an international body working across all the continents of the world IFLA naturally focuses on Article 19, which sits at the heart of its work. However, it is perhaps also worth remembering that, for those of us who live and work in Europe, this right is reinforced by Article 9 of the European Convention on Human Rights which reads:

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others

And for those of us who live in the European Union, even if it is just for now..., there is the Charter of Fundamental Rights of the European Union. Article 11 states that:

“Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers”

Reflecting this commitment to Article 19 IFLA has long had a specific and specialist committee looking at issues of Freedom of Access to Information and Freedom of Expression. In a clear statement of the centrality of its work to the organisation

FAIFE has recently changed from being a stand-alone committee to one which specifically advises IFLA's Governing Board on all aspects of freedom of access to information and freedom of expression issues which are directly or indirectly, related to libraries and librarianship.

FAIFE also monitors the state of intellectual freedom within the library community world-wide, it supports IFLA policy development and co-operation with other international human rights organisations, and responds to violations of free access to information and freedom of expression.

FAIFE takes as its starting point that:

- Intellectual freedom is the right of every individual to both hold and express opinions and to seek and receive information.
- Intellectual freedom is the basis of democracy.
- Intellectual freedom is the core of the library concept.

The stated objective and mission of IFLA/FAIFE is to

- *Raise awareness of the essential correlation between the library concept and the values of freedom of expression.*
- *Collect and disseminate documentation and aim to stimulate a dialogue both within and outside the library world.*
- *Act as a focal point on the issue of freedom of expression, libraries and librarianship.*

FAIFE recognises that the principles of freedom of access to information and freedom of expression are form an essential part of good librarianship, and the FAIFE web page reflects this by stating:

“Through libraries the individual is guaranteed full opportunities to encounter free expression and permit users freedom of expression. Good quality library services form an essential component in this matter. Libraries and library staff should therefore adhere to the principles of freedom of expression, uninhibited access to information and intellectual freedom and recognize the privacy of library user.”

It then outlines eight principles of freedom of expression and good librarianship:

- *Libraries provide access to information, ideas and works of imagination. They serve as gateways to knowledge, thought and culture.*
- *Libraries provide essential support for lifelong learning, independent decision-making and cultural development for both individuals and groups.*
- *Libraries contribute to the development and maintenance of intellectual freedom and help to safeguard basic democratic values and universal civil rights.*
- *Libraries have a responsibility both to guarantee and to facilitate freedom of expression. To this end, libraries shall acquire, preserve and make available the widest variety of materials, reflecting the plurality and diversity of society and where facilities are made available for library users to*

communicate/express themselves, this shall not be censored nor restricted by political, moral or religious views.

- *Libraries shall ensure that the selection and availability of library materials and services is governed by professional considerations and not by political, moral and religious views.*
- *Libraries shall acquire, organize and disseminate information freely and oppose any form of censorship.*
- *Libraries shall make materials, facilities and services equally accessible to all users. There shall be no discrimination due to race, creed, gender, age or for any other reason.*
- *Library users shall have the right to personal privacy and anonymity. Librarians and other library staff shall not disclose the identity of users or the materials they use to a third party.*

So, what does FAIFE as a Committee do to achieve its purpose, maintaining a focus on Article 19?

There are two main areas of activity. First, it develops considered and well researched statements and briefings on professional principles and on behalf of IFLA and the profession.

Second, it campaigns on specific cases and issues where our professional ethics- and particularly Article 19 - are being challenged. This is increasingly happening in collaboration with other NGOs where we can work together for mutual support, and widen the understanding of the library and information world's perspective.

I will take a chronological approach to talking about the work of FAIFE in relation to Article 19, starting with some of the early key statements and briefings. I then want to consider the more recent work which has focussed on some of the specific challenges that library and information services are facing, particularly in the digital age, and then finish with some of the campaigning that it is starting to undertake.

However, although not chronological, I would like to start with IFLA's Code of Ethics which FAIFE developed in 2012. All of IFLA's statements are underpinned by a strong ethical focus and so it seems a good place to begin.

Ethics

Prior to the code being agreed, FAIFE – and indeed IFLA – had always worked in a context in which ethics were assumed, and so it was an important step for the international body to define the ethics that applied to itself, to its members and indeed were relevant to the profession world wide.

Library and information work, has always been a profession rooted in ethics. A profession which is focused on bringing people together with the information and knowledge they need and are searching for could not be anything else. And it follows that libraries must be ethical organisations too.

Many countries have their own professional code of ethics for library and information workers which can also be applied to libraries. A representative list can be found on

the IFLA FAIFE web pages with the Philippines being the most recent one to be added to a lengthy list of around 70 countries.

IFLA's own code of ethics is not intended to replace national codes of ethics, but is intended to act as a personal guide for individuals as well as being available for consideration by national Library Associations when reviewing – or establishing – their own code of ethics.

The IFLA Code of Ethics is rooted in Article 19 of the UN Declaration on Human Rights. The Code states that the core mission of librarians and information workers – and hence libraries – is:

“to ensure that people have access to the information and knowledge they want and need for personal development, education, cultural enrichment, leisure, economic activity and informed participation in and enhancement of democracy”.

Ethical issues clearly arise if people are prevented from receiving the information they need and so the Code has a clear assumption against censorship and makes a strong statement against the denial or restriction of access to information and ideas whether by states, governments, or religious or civil society institutions.

However, it has to be remembered that rights are not absolute. There are times when rights can conflict with each other – for example freedom of access to information and the right to privacy - and there can be real issues when the assertion of rights by one individual could come at the expense of another's rights. For example, the complete removal of censorship is not an absolute right - there is universal concern over the need to protect minors.

And there are other issues which arise country by country, culture by culture over which areas of content are considered unacceptable or illegal, and here there can be real professional dilemmas.

The ethical response of libraries is vital in these circumstances.

The IFLA Code defines the functions of codes of ethics as:

- *encouraging reflection on principles on which librarians and other information workers can form policies and handle dilemmas*
- *improving professional self-awareness*
- *providing transparency to users and society in general.*

The Code is based around six core principles which are indicative of those which should be included in all national codes of ethics. These are:

- *Access to information*
- *Responsibility towards individuals and society*
- *Privacy, secrecy and transparency*
- *Open access and intellectual property*
- *Neutrality, personal integrity and professional skills*
- *Colleague and employer/employee relationships*

If you would like to see more detail about the code of ethics, it is laid out in full on the FAIFE website.

But for now, I would like to briefly look at some of the long standing statements and briefings that IFLA has made in relation to Article 19 as these provide a strong foundation for the work of FAIFE

Libraries and Intellectual Freedom

An early statement by FAIFE was the IFLA Statement on Libraries and Intellectual Freedom which was agreed in 1999 and fully reflected Article 19. This established the baseline principles for IFLA on intellectual freedom, and commits IFLA to *“support, defend and promote intellectual freedom”*.

Importantly it affirmed that the right to know and freedom of expression are *“two aspects of the same principle”* and that *“a commitment to intellectual freedom is a core responsibility for the library and information profession”*. It goes on to urge IFLA members *“actively to promote the acceptance and realization of these principles”* – confirming that the defence and promotion of freedom of access to information and freedom of expression should be carried out actively rather than passively.

Glasgow Declaration on Libraries, Information Services and Intellectual Freedom

This was re-inforced by the Glasgow Declaration on Libraries, Information services and Intellectual Freedom made at the 75th anniversary of the formation of IFLA at its conference in Glasgow in 2002. This re-affirmed five principles about libraries and information services and freedom of access to information and freedom of expression in line with Article 19:

- *they are gateways to knowledge, thought and culture*
- *they contribute to the development and maintenance of intellectual freedom and help to safeguard democratic values and universal civil rights*
- *they should make available the widest variety of materials selected by professional considerations and not political, moral or religious views*
- *they should make the materials equally accessible to all*
- *and they should protect their user’s right to privacy.*

Re-iterating this on the 75th anniversary of the founding of IFLA sent a powerful message about the role of libraries.

Open access

Building on this, in 2003 IFLA approved a Statement on Open Access to Scholarly Literature and Research Documentation. The statement in support of open access publishing re-inforces IFLA’s commitment to the principles of the Glasgow Declaration whilst recognising the role of all those involved in the recording and dissemination of research.

It affirms IFLA's view that:

“comprehensive open access to scholarly literature and research documentation is vital to the understanding of our world and to the identification of solutions to global challenges and particularly information inequality”, and that “open access guarantees the integrity of the system of scholarly communication by ensuring all that research and scholarship will be available in perpetuity for unrestricted examination and, where relevant, elaboration or refutation.”

As a Committee, FAIFE subsequently focused its work on the publication of Spotlight. These were a series of digital pamphlets which explored issues relating to Article 19 and other related issues and which are still available through the publications section of the FAIFE web pages.

Recent Developments

Over the past five years the committee has been developing a more proactive approach, looking again at how it can increase its impact supporting Article 19 both in the library and information world, and more broadly through IFLA and in collaboration with other NGOs.

It is using its role as an advisory committee to draw the attention of the Governing Board to key areas of concern and is developing a number of statements on behalf of IFLA on major issues. It is looking at developing training modules based around these.

It is also developing a close working relationship with IFLA's committee on Copyright and Other Legal Matters to ensure that the ethical dimension of their work is heard more loudly.

Internet Manifesto

After the developing IFLA's code of conduct FAIFE updated the Internet Manifesto. This reflects and reinforces the essential role that internet access and digital services provide in contemporary library and information services from both an ethical and a practical perspective:

Reflecting Article 19 the statement starts by defining the very clear and fundamental role that the Internet plays in the world today – a role that will only grow in importance as access grows in both the developing as well as the developed worlds:

The Internet enables individuals and communities throughout the world, whether in the smallest and most remote villages or in the largest cities, to have greater equality of access to information to support personal development, education, cultural enrichment, economic activity, access to government and other services, and informed participation in a democratic society as an active citizen. At the same time the Internet creates opportunities for all to share their own ideas, interests and culture with the world.

The manifesto goes on to say:

The provision of unhindered access to the Internet by library and information services forms a vital element of the right to freedom of access to information and freedom of expression, and supports communities and individuals to attain freedom, prosperity and development.

Barriers to the flow of information should be removed, especially those that prevent individuals from taking advantages of opportunities that will improve their quality of life and can result in inequality and poverty. An open Internet is essential, and access to information and freedom of expression should neither be subject to any form of ideological, political, or religious censorship, nor to economic or technological barriers.

The Manifesto identifies six key roles and responsibilities of library and information services:

- *serve all of the members of their communities, regardless of age, race, nationality, religion, culture, political affiliation, physical or mental abilities, gender or sexual orientation, or other status*
- *provide access to the Internet in an appropriate environment for all users*
- *support users, including children and young people, to ensure they have the media and information literacy competencies they need to use their chosen information resources freely, confidently and independently*
- *support the right of users to seek and share information*
- *strive to ensure the privacy of their users, and that the resources and services that they use remain confidential*
- *facilitate and promote intellectual, cultural and economic creativity through access to the Internet, its resources and services.*

The manifesto also calls upon library and information services to take a strong advocacy role and work with authorities to develop strategic policies and plans to develop public access to the Internet across the world.

This manifesto has been a valuable tool in emphasising Article 19 and the role that library and information services can and will play in the 21st century, for example supporting discussions over access to the Internet as a human right. It has also been important in defining the role that library and information services play in supporting the achievement of the UN's Sustainable Development Goals

Privacy

FAIFE then considered Privacy in the Library Environment, partly prompted by the interest that arose in the profession following the Snowden revelations about government surveillance. These caused a major outcry around the world.

Like freedom of access to information and freedom of expression the right to privacy is enshrined in the Universal Declaration on Human Rights at Article 12:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

IFLA believes that this right is integral to ensuring the rights defined under Article 19. Following the Snowden revelations, in December 2013, the United Nations General Assembly adopted a resolution on the “Right to privacy in the digital age,” calling all countries to “respect and protect the right to privacy, including in the context of digital communication”. Subsequently a Special Rapporteur on Privacy and Human Rights was appointed.

The right to privacy is again re-inforced for those of us living in Europe by the European Convention on Human Rights, in which Article 8 which concerns the Right to respect for private and family life:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

And again, the Charter of Fundamental Rights of the European Union provides rights. Article 7 states:

Everyone has the right to respect for his or her private and family life, home and communications.

And Article 8 describes the right of individuals to “*the right to the protection of personal data concerning him or her*”

The statement highlights the growing challenges to privacy in the digital age not only created by government surveillance, but also from commercial providers who collect and potentially sell extensive data on users and their behaviour. Excessive data collection and surveillance can have a chilling effect on society which can lead to self-censorship and the narrowing of an individual’s right to freedom of speech and expression which can result in potentially compromising democracy and civil engagement.

This was demonstrated in a PEN America report based on a survey of over 520 US authors in response to the US government’s collection of telephone and internet data as part of anti-terrorism efforts. This showed that 28% had curtailed or avoided social media activities and a further 12% had seriously considered doing so; that 24% had deliberately avoided certain topics in phone and email conversations, with a further 9 % seriously considering doing so, and 16% had avoided speaking about a particular topic and 11% had seriously considered doing so.

The IFLA Statement concludes with a number of recommendations for library and information workers and library services including advocacy, and support for national, regional and international efforts to protect individual's privacy. It also recommends making users aware of any resources, services and technology that could compromise privacy, and include data protection and privacy within media and information literacy training for library and information users.

Whilst not specifically referred to in the Statement, I would recommend that you look at the work of organisations such as the Library Freedom Project. As well as providing courses for librarians and library users they have some very good online courses in how personal privacy can be protected, and others promoting the use of TOR and other software to support the management of personal data.

Right to be Forgotten

2016 has been a busy year with two statements being issued. The first is on the Right to be Forgotten. This has also been referred to as the Right to delist, the right to erasure, or the right to oblivion.

Search engines have always considered requests for the removal of links from their search results. However, in a landmark decision in 2014 by the Court of Justice of the European Union ruled that individuals have a right, under certain conditions, to ask search engines to remove links to out of date or irrelevant personal information about them. The original case caused considerable interest around the world, and the courts and legislatures in a number of countries are now looking at this issue.

The issue was problematic when the outcome was the removal of links only within the country where the case was made. However, a case in France is attempting to force Google to remove a link from being visible in every country in the world - an interesting example of the courts in one country attempting to impose their will on every other country in the world.

The statement highlights the issues that arise from the Right to be Forgotten. Whilst clearly the removal of information from search results can improve privacy, it can have serious implications for the integrity of and access to the historical record with a risk of free access to information being reduced. It is claimed that it is not the intention of the Right to be Forgotten to destroy information or remove it from the Internet. However, making published information so much harder to find can, in some cases, have the same effect as removing it.

Clearly there is a need to balance the right to privacy and the right to access information. However, whether this decision should be left to an unaccountable company is open for debate. And to give you an idea of the scale of the issue, when I checked Google's own website a week ago it reported that since 29 May 2014 it has received 625,598 requests and evaluated 1,780,757 URLs. It has removed links to 43.2% of these. For the UK the figure is 99,563 requests with 235,565 URLs being evaluated of which links to 39.1% were removed.

The statement offers advice to library and information workers including advocacy and raising awareness of the issues involved, particularly where personally identifiable information is required for biographical, genealogical and other research and publications. It is also important to advocate for transparency in Right to be Forgotten decisions. However, it is also important for library and information services to provide information and support for individuals who want to exert the Right to be Forgotten.

The Right to be Forgotten is a complex and growing issue and so is supported by a briefing paper which helpfully describes the position in a number of countries.

Net neutrality and zero rating

The most recent statement has been on the subject of Net Neutrality and Zero Rating.

If you are not familiar with this, Network Neutrality, or Net Neutrality, is the principle that all data or traffic on the internet should be treated equally. Internet users' freedom of choice should not be restricted or affected by giving preferential treatment to certain content, services, applications or devices. Without this principle those who can pay more – like the major streaming media companies – could receive preferential treatment over more general users. On one hand ISP's are arguing that growth in traffic online is outstripping the capacity of the internet infrastructure; on the other there are fears that without net neutrality ISPs may implement undue traffic management, for example downgrading the quality of certain applications – particularly those of competitors.

ISPs have suggested placing caps on how much space data can use, or to create fast or slow lanes. You can guess which lane libraries would be in.

Zero rating is a related issue where the use of certain applications or services are not counted against a user's data allowance. This conflicts with the principle of net neutrality as Zero Rated products in effect receive positive discrimination which can influence the choice of users, distorting the selection and consumption of content and potentially leading to a walled garden effect.

There are a number of important issues for library and information services. The first is the need to avoid information monopolies which could have an adverse effect upon freedom of access to information. Without Net Neutrality the role of libraries as information providers is compromised, as it is likely that the library website will not be able to compete with commercial information and content providers which are able to offer differential levels of service at a preferential price, or free if they are zero rated.

There is also the need to ensure information diversity. An open internet can be a platform for all to be heard and recognised, and to access and share innovation without – for better or worse - the need for traditional gate-keepers such as editors or expert reviewers.

However, if the technology is used to control or limit the right of freedom of expression we risk only the large and powerful to be able to be heard. And without multiple points of view, democracy cannot exist.

So, what do we do with these statements? I would suggest they are valuable for three principle reasons:

First, they support the importance of Article 19 as a core element of library and information services.

Second, they can be used to inform advocacy and campaigning by individuals, national associations and internationally, especially demonstrating to the impact that key decisions can have on library and information services.

We are living in a time where Article 19, freedom of access to information and freedom of expression is constantly challenged. FAIFE does not have the capacity to look at every case, but does take a specific view on issues which directly involve library and information services.

For example, in the aftermath of the failed coup in Turkey in July we are trying to engage with the authorities in light of the many reports of censorship, including the arrest of dozens of journalists and the closure of publishing houses. According to the Committee to Protect Journalists, over the past month the Turkish government has closed more than 100 broadcasters, newspapers, magazines, publishers, and distribution companies and detained more than 100 journalists and media workers over the space of a month. Courts and regulators have censored at least 30 news-related websites.

But one of the most significant has been the case of Natalya Sharina.

Natalya Sharina

Natalya Sharina, is the Director of the Library of Ukrainian Literature in Moscow. After a raid on the Library in October 2015, Natalya was detained for several days, and then placed under house arrest, unable to leave the building or contact anyone except her lawyer. She is charged with inciting racial hatred by holding books banned by the Russian authorities in the Library and by circulating them. She has now also been charged with embezzlement for using Library funds to successfully defend herself against earlier charges brought against her for allegedly having banned books in the Library.

Her case is now only being heard, meaning she has been under house arrest for over a year.

Natalya denies all charges, and IFLA has promoted her case, describing her treatment as disproportionate, and unnecessary, and calling for her release. Amnesty International describes her as a prisoner of conscience. Her case is continuing.

Freedom of access to information and freedom of expression as defined in Article 19 is a vital human right.

However, FAIFE is a small committee of volunteers and its capacity is limited even as the potential for its role is growing. To support its work FAIFE is developing a new professional Network. This will replace the FAIFE email list, and aims to become a proactive worldwide network for everyone interested in this area of work, which can operate at both a regional and international level. It can serve as forum for exchanging information, for supporting FAIFE projects, promoting activities and action, and for sharing invitations and suggestions of events where an IFLA FAIFE perspective could be helpful.

Article 19 is fundamental to the work of IFLA, believing that libraries should be the guardians of freedom of access to information and freedom of expression FAIFE is the voice of IFLA campaigning and arguing for this freedom, and I hope that you will join the new FAIFE Network and take an active part in defending this right for our users wherever they may live.

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