

MULTIMEDIA TRAINING KIT

HUMAN RIGHTS, ICTS AND THE INTERNET HANDOUT

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About this document

These materials are part of the Multimedia Training Kit (MMTK). The MMTK provides an integrated set of multimedia training materials and resources to support community media, community multimedia centres, telecentres, and other initiatives using information and communications technologies (ICTs) to empower communities and support development work.

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Module outline

This is the first of a series of training modules concerned with the relationship between human rights, ICTs and the internet. These modules are intended to help those who work on human rights and/or ICTs, and others with an interest in the issues, to understand ways in which the internet is affecting the enjoyment and protection of rights – now and in the future – and explore how these affect their work.

This module provides an overview of the relationship between rights, information and communication technologies (ICTs) and the internet. As well as this text handout, it includes a

set of presentation slides, exercises and case studies, and a list of additional readings. It raises six core questions which should be considered by participants:

1. What have been the most important impacts of the internet on human rights? Which rights are strengthened and which threatened by the internet?
2. What changes, if any, do these impacts require in the way rights are interpreted? Have some rights taken on new meaning on the internet?
3. How can the enjoyment and enforcement of rights be made equivalent online and offline?
4. What impact has the internet had on the relationship between different rights within the international rights regime?
5. What changes, if any, are required in the way that international organisations, governments and law enforcement agencies protect human rights? Has the internet enabled new violations of rights?
6. How can human rights organisations use the internet to improve their work in promoting and protecting human rights?

Other modules in the series are concerned with:

1. Freedom of expression and information rights
2. Freedom of association and peaceful assembly
3. The right to privacy.

This handout begins by describing the context for discussion of rights and the internet.

- Section 2 describes the international rights regime.
- Section 3 defines ICTs and the internet, summarises their impact on global society, opportunities and behaviour, and the relationships between citizens, businesses and governments.

The handout then looks at the interface between these two domains.

- Section 4 looks at ways in which ICTs and the internet have affected the exercise, enforcement and violation of rights in general.
- Section 5 summarises ways in which they have affected individual rights, and the balances between them.
- Section 6 provides a brief summary of the above.

The international human rights regime

The term “rights” is widely used to refer to the entitlements which people have for a variety of reasons – for example, because they are citizens of a particular country or members of a particular organisation.

The term “human rights”, as generally used today, refers to those rights and freedoms which are set out in a series of international agreements and legal instruments. These agreements and instruments are rooted in the Universal Declaration of Human Rights (UDHR), which was agreed at the United Nations in 1948, in the aftermath of the Second World War. The UDHR includes two categories of rights and freedoms, which are considered interdependent:

- Civil and political rights, sometimes called first generation rights, which apply principally to individuals. These include, among others, the rights to life, liberty and security; the rights to privacy and a fair trial; and the rights to freedom of opinion, expression and association.
- Economic, social and cultural rights, sometimes called second generation rights, which apply to communities as well as individuals. These include, among others, the rights to health and education, and the rights to work and to participate in cultural life. Many of these rights can only be fully realised over time.

The UDHR itself does not have legal force, but its articles have been included and elaborated in two international treaties – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These

have legal authority in those countries (the large majority) where they have been ratified. In European countries, legal force is given to human rights through the European Convention on Human Rights (ECHR). Regional rights conventions have also been agreed in Africa and the Americas, but these lack equivalent legal force.

The international rights regime includes a number of other international agreements, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). Links to these documents, and those mentioned in the previous paragraph, are included in the additional readings for this module.

These international rights agreements apply to governments, businesses/organisations and individuals. Governments are required by them not only to avoid violating the rights of individuals and communities within their territories, but also to protect those individuals and communities against violation of their rights by others – for example, to protect people’s lives, security and property. Organisations and individuals are required to respect the rights of others as well as seeking to enjoy their own.

Governments’ obligations to respect, protect and promote human rights are interlinked. At national level, rights are generally articulated in constitutions, human rights acts and/or other legislation, and are subject to legal jurisdiction. Many countries have national human rights institutions, independent bodies which monitor and review their implementation.

The instruments within the international rights regime are not merely lists of human rights. Rights within them are considered to be:

- Universal, i.e. they are applicable to all
- Inalienable, i.e. they cannot lawfully be withdrawn
- Indivisible, i.e. of equal import – none more important than another, to be considered jointly as well as individually.

The rights regime recognises that there can be conflicts between rights – for example, between one individual’s right to free expression and another’s right to privacy. They also accept that rights may be limited in pursuit of what (governments see as) the common interests of society. The ways in which this is expressed vary between different rights instruments, but this is how it is set out in Article 29 of the UDHR:

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Disagreements over the interpretation of these balances between and limitations to human rights lie at the heart of many disputes concerning rights. While the rights instruments themselves are considered “universal”, governments interpret them and legislate for them within legal frameworks and cultural traditions which often differ markedly in their understanding of “morality, public order and ... general welfare”. Some commentators and governments also take a relativist view of rights, i.e. that they can and should vary between countries and cultures, though rights professionals generally consider this inconsistent with the universality intended in the international regime.

The extent to which human rights are implemented or violated varies greatly between countries and, within countries, between rights. There are often big gaps between the legal position in a country and the actual exercise of power by governments. Power affecting rights is also exercised by non-state actors, ranging from rebel groups to businesses, faith groups and trades unions. In many countries, women, ethnic and sexual minorities and other marginalised groups find it more difficult to exercise their rights because of social inequalities

or explicit discrimination. Assessments of national rights regimes should bear these points in mind.

ICTs and the internet

The rapid development of ICTs, and the spread of services and applications that make use of them, has been one of the most important developments in human society over the past 30 years. Four aspects of this have been particularly significant where rights are concerned:

- **Computerisation** has become central to the ways in which governments, businesses and organisations work, to the lives of most individuals in industrial countries, and to those of increasingly many people in developing countries. Computerisation has allowed much easier storage, analysis and sharing of data of all kinds, including information about individuals and organisations. Personal computers have given individuals access to the information and applications available through the internet.
- **Telecommunications**, once the privilege of a few, especially in developing countries, has become available to the vast majority, even in developing countries. Fixed telephones – which usually served an organisation or a household – have also been displaced by mobile telephones: individual devices which offer a much larger range of applications, now including internet access, and make it easy to share images, computer files, and audio and video content with other individuals and groups of people.
- The **internet** has radically changed the scope of communications, enabling rapid distribution not just of voice communications but of anything that can be digitised, and has enormously expanded the range of information which is available to all its users. The World Wide Web and other internet tools have enabled any internet user to publish and disseminate content, of all kinds, cheaply, and to access content of any kind published by any other internet user irrespective of location. The internet's global nature and substantial independence from national regulation have made it possible for people to use it to bypass laws and norms, from intellectual property rules to political or moral censorship. Data are also increasingly held in “the cloud”, in reality in data centres which can be located in any jurisdiction.
- Online **social networks** and other Web 2.0 platforms have added more opportunities for individuals and organisations to publish and disseminate ideas at any time, and at very little cost, from any digital device. Consumers of information have become producers of information. Online social networks have changed the dynamics of personal relationships for many individuals and their communities, and will continue to do so in ways that it is still difficult to foresee. The internet and social networks have also enabled new and powerful businesses to enter and achieve considerable power in global information markets, outside traditional regulatory regimes.

The internet is at the heart of these revolutionary changes in information and communications, but it is not the only technology involved. Computer applications and other ICTs make a significant difference whether or not they are interconnected. Traditional communications media such as radio and television remain important sources of information for almost everyone. However, mobile communications and the internet have made information much more widely available, communications much more interactive, and the opportunity to share information and views much more widespread than was previously the case. Governance and technical issues concerning the internet and new media can be explored through the *APC ICT Policy Handbook* which is referenced in the additional readings.

The impact of the internet on society and rights

This has already had a profound impact on almost every aspect of life in industrial countries, and is having an increasingly important impact on more and more lives in developing countries. The aggregate impact of ICTs and the internet on global society and economy, politics and culture is often referred to as the Information, Knowledge or Network Society. Aspects of society that are undergoing major changes include:

- The production, trade and consumption of goods and services
- The nature of work and the distribution between work and leisure in people's lives
- The (potential) availability of information of all kinds, at all times, in all places, and the capacity to bring different sources of information together
- Interactions amongst individuals, between individuals and businesses, and between citizens and governments
- Relationships amongst nation-states and between national and international jurisdictions.

Profound changes in these and other aspects of society are not static but ongoing. Developments in ICT and internet technology and markets occur very quickly, often taking governments and businesses by surprise. As a result, laws and regulations concerning ICTs, and concerning aspects of life and livelihoods which are affected by them, can rapidly become outdated.

The international rights instruments described in section 1 were all developed and agreed before ICTs and the internet came to play such a powerful role in today's societies. ICTs and the internet have reshaped how many of these rights can be exercised, how they can be enforced (or not enforced), and how they may be violated, in ways that were not envisaged at the time the instruments were written. Where this is so, the implications of rights instruments for ICTs and consequential changes in society and behaviour need to be interpreted. The UN's Human Rights Council and Special Rapporteurs on different rights within the international regime have begun to pay attention to this at a global level. Proposals for national legislation that impacts on rights and responsibilities concerning the internet and internet-enabled activity are proving increasingly contentious in many countries.

Many different issues arise from this. Some of the implications for specific rights are raised in section 5. Four more general issues are suggested for exploration in this module, either by individual participants or in group discussions. The following paragraphs briefly raise these and suggest, in each case, one or two questions for discussion.

Firstly, the internet is a global network which enables people to access content and make use of services which are outside the national jurisdictions that apply to other information sources and other businesses available to them. In practice, this enables people to bypass national constraints on content (for example, pornography) and goods and services (for example, pharmaceuticals) which are regulated in their own jurisdictions. It also enables those who live in highly controlled societies to access information about their own societies which is withheld from them by their governments.

- What are the implications of the internet for the enforcement of national law and for the implementation of the rights enabled by the international rights regime through national legal instruments?

Secondly, as a result of the internet, people are able to do many things either online or offline. The UN Human Rights Council agreed in July 2012 that "the same rights that people have offline must also be protected online." However, the internet enables individuals to bypass national legal jurisdictions, which creates an anomaly between online and offline law enforcement. It is extremely difficult, for example, for governments to enforce legal constraints on intellectual property, or on sexual harassment, online in the way that they can be enforced offline because of the digitalisation of content, the ease with which it can be exchanged

across territorial boundaries, and the difficulty of monitoring the volume of online transactions and exchanges.

- Should online and offline behaviour always be treated in the same way in national legal and rights frameworks? What should happen if online enforcement is very difficult or impossible?

Thirdly, the internet has established a new group of information intermediaries – internet businesses which provide users with access to content, applications and services. These include the internet service providers (ISPs), telecommunications and other businesses which enable people to connect to the internet; and other online service providers (OSPs) which manage access to content, including large international corporations such as those that provide search engines and social network services. These intermediaries have a very powerful position in internet markets, potentially affecting what content and services are available to users and on what terms.

- What responsibilities do internet intermediaries have under the international rights regime? How should human rights affect their relationships with governments and users of the internet, or the ways in which they make content available to users?

Fourthly, a recent review of perceptions of the internet among human rights professionals, undertaken for APC, suggested that there are important gaps in understanding of the internet, human rights and internet rights between those who are primarily concerned with the internet and those who work as rights defenders. These rights professionals felt that the internet is important and is changing the parameters of rights activity, but that it is difficult for them to keep up to date with internet technology and markets. Some also perceived significant differences between the protection of rights, which relies on UN agreements and implementation through legislation and law enforcement, and governance of the internet, which has developed largely independently of UN agreements, governments and legal frameworks.

- What should be the role of international agencies, such as the United Nations, and national governments in enabling, enforcing and protecting human rights on the internet?

The internet and specific rights

APC research has also recently explored which rights within the international regime are most affected by the internet, and where the internet may have affected the relationships between rights. The following paragraphs briefly describe some of the findings of that work.

One overarching issue, which affects the internet's impact on society and rights in general, concerns **access to the internet**. Although internet use is growing rapidly worldwide, particularly through mobile telephones, the International Telecommunication Union (ITU) estimated that only 2.3 billion people were users in June 2012. Access to the internet is not simply a matter of the availability and quality of network infrastructure (including, these days, broadband infrastructure). It is also affected by its affordability, by the skills of users and potential users, and by the availability of content and services that they think worthwhile. Though internet use is very widespread in industrial countries (70% of the population, according to the ITU), it is much less widespread (25%) in developing countries, where people in rural areas, with lower incomes and lower educational attainment, are less likely to be internet users. Internet use among older people is also generally lower around the world than it is among younger adults.

There has been discussion about whether access to the internet should be considered a human right within the international rights regime. Some, such as the Internet Rights and Principles Coalition, have argued that the internet is becoming indispensable for the full enjoyment of human rights, and that a right of access to it derives from its "integral relationship" with other rights. The UN Special Rapporteur on freedom of opinion and

expression has argued that the reference to freedom of expression “through any media” in the UDHR and ICCPR show that these were drafted “with foresight” to include unpredicted technological developments. (See the documents referenced in the additional readings.)

While a right of access to the internet has been advocated by some internet rights activists, however, others – notably the architect of the Internet Protocol, Vint Cerf – have argued that rights should be concerned with what people can do rather than with technologies (like telephony and the internet) that enable them to do it. Access to telephony and broadcasting, for example, has not been considered a *human* right, though universal access to them has often been required in national regulation. The UN Special Rapporteur on freedom of expression states in his 2011 report that access to the internet is “not yet a human right” but that governments have an obligation to make it “widely available, accessible and affordable to all.”

Some internet rights advocates have also argued that certain principles of the internet – i.e. of the way in which the internet is organised – should be recognised as rights or relevant to rights. Internet principles concerned have included open technical standards, “net neutrality” (non-discrimination by ISPs and OSPs concerning the content available to users) and multi-stakeholder participation in internet governance.

Human rights professionals questioned by APC identified three rights within the international human rights regime as being most profoundly affected by the internet. They felt that:

- Rights in Article 19 of the ICCPR – **freedom of expression and freedom of information** – have been greatly enhanced by the internet.
- Rights in Articles 21 and 22 of the ICCPR – **freedom of assembly and freedom of association** – have also been greatly enhanced by the internet.
- Rights in Article 17 of the ICCPR – **rights of privacy** – have been greatly threatened by the internet.

The impact of the internet on these three rights results principally from its ability to enhance four kinds of activity:

- Interactive communications, at any time and between any two people, groups or organisations wherever they are located
- Access to information
- The capacity to publish information
- The ability to aggregate and analyse information and data, including personal information, from datasets that are available online and from the records left by online users.

These three rights are discussed further in separate modules within this training programme, and so the impact of the internet on them is only briefly summarised here.

Freedom of expression, which is derived from Article 19 of the ICCPR, has been enhanced by the internet in several ways. It has provided many more platforms for expression, such as self-publication through blogs, social media and citizen journalism, and including audio and video as well as text expression. Through these media, email and instant messaging, it has made expression cheap, enabled people and organisations to reach audiences that were previously out of reach, and to do so anonymously or pseudonymously if desired or needed for protection against oppressive state or non-state actors. This wider range of expression opportunities has had significant implications for the press and broadcasting, some positive (additional news sources), others negative (loss of revenue).

The international rights regime includes a number of restraints on freedom of expression, including direct or implicit restrictions on propaganda and the incitement of racial, religious or communal hatred, defamation, the sexual exploitation of children, and material subject to authorial rights. The internet’s broadening of the range and scope of expression has opened

up new ways in which these restraints can be bypassed, leading to controversies – for example, concerning images of child sexual abuse, intellectual property and personal harassment as well as political and moral censorship. These are discussed in the second module of this training programme.

Freedom of information – the right to access available content – is also derived from Article 19 of the ICCPR. It has likewise been greatly enhanced by the internet, which has made far more information from a vastly increased range of sources available to internet users. Available content ranges from entertainment and information of social value (e.g. health and education), to news and political comment, including material which governments may previously have banned, and content uploaded by organisations and individuals for very diverse purposes, from advocacy and campaigns material to propaganda, from the marketing of goods and services to the dissemination of material that falls outside legal or social norms (such as pharmaceuticals or pornography). This has increased the potential for exercise of political freedoms, but also created new scope and types of censorship such as the blocking or filtering of websites. In addition, the internet has made it possible for governments to make much more information available about their own activities, increasing citizens' ability to exercise their right to participate in government.

The other rights which have been greatly enhanced by the internet are the **freedom of assembly and freedom of association** (Articles 21 and 22 of the ICCPR). The internet has made it much easier for people to associate with one another as individuals, in pre-existing groups and in new (virtual and physical) groups established through the internet. Emails, instant messaging and social networking provide new ways of establishing and maintaining contact with others worldwide, anonymously or pseudonymously if desired. They have been adopted with alacrity by political and civil society organisations, faith groups, social clubs and others – for recruiting members, building solidarity, managing and organising their activities. They have been particularly valuable for dissident groups in countries with oppressive governments, enabling more sophisticated and substantial political organisation.

Increased freedom of association has also enhanced freedom of assembly, in particular by making it easier for groups to organise protests. The use of mobile telephony and social networks to coordinate protest has been widely noticed during the events which are commonly known as the “Arab Spring”, and in Iran, China and other countries.

As well as enabling greater freedom of expression and association, internet platforms have introduced new ways in which these rights can be curtailed or violated. Some governments have sought to block access to particular websites or filter internet content, to prevent access in some cases to political dissent, in others to content (such as pornography or advocacy of apostasy) which is considered morally or culturally offensive. At times of crisis, some governments have even curtailed all access to the internet, as the government of Egypt did for a period in January 2011, at the height of protests against the Mubarak regime. ISPs and OSPs may also impose restrictions on content carried on their platforms, sometimes in response to government requests, sometimes of their own volition or in response to user consultation.

All activity on the internet, meanwhile, leaves traces, which can be recorded and monitored. Many governments have sought to secure access to records of internet activity, in some cases to enable law enforcement agencies to investigate criminal activity, in others to enable monitoring of political opponents or social groups such as ethnic or sexual minorities. Governments may, for example, require companies to hold and release internet usage records, requiring them to work as intermediaries for law enforcement agencies, contrary to legal norms. Surveillance techniques which are suitable for law enforcement are, in practice, identical or very similar to those which can be used to suppress dissent.

Surveillance is one of a number of ways in which the internet has also affected **rights of privacy**, which are set out in Article 17 of the ICCPR and which rights professionals interviewed by APC in 2012 saw as being highly threatened by the internet. As well as governments, companies make extensive use of users' records to target marketing and advertising, often without users' knowledge. Unless effective data protection rules apply, they

may make records available to other businesses. The rapid development of social networking has also challenged users' behaviour regarding personal data. Many users make available much more personal information online than they do offline, putting themselves at risk of fraud, abuse of their personal data by other individuals, and tracking of their behaviour by governments and non-state actors.

In spite of the availability of anonymity and encryption, it has become harder for people to protect their data as the internet has become more widespread. Attitudes to privacy may also be changing as people exercise new opportunities for online shopping and for social interaction, including the easy sharing of personal content such as photographs and video. Some commentators have argued that people should have the right to remove or alter past postings to the internet after the event, in order to avoid possible repercussions from that past behaviour – the so-called “right to forget”.

While rights of expression, association and privacy are generally agreed to be most significantly affected by the internet, it has also had significant impact on a number of other rights within the international regime, and on the balance between rights where they may conflict with one another. Article 29 of the UDHR recognises potential conflicts when it allows for individuals' rights to be limited to ensure “respect for the rights and freedoms of others”. By enabling some rights to be exercised more easily, the internet has altered the relationships or balances between rights within the international regime. The following paragraphs briefly identify some of the other rights affected by the internet and note the principal issues involved.

Article 9 of the ICCPR confers and requires governments to ensure the right to “**life, liberty and security of person**”. This article does not just require governments not to violate these rights; it also requires governments to ensure that their citizens can enjoy them by, for example, protecting them against terrorism, violence and crime. Article 17 of the UDHR, which concerns the right to own and not be deprived of property, arguably also implies that governments should protect citizens against fraud.

The internet itself is morally neutral: it enables everyone who makes use of it to do things more effectively. This includes, for example, criminals and violent political groups that wish to disrupt, threaten or harm the lives and rights of others. As well as enabling people to express and share opinions, participate more effectively in political and social life and interact with much wider social groups, the internet has increased opportunities for personal bullying and harassment and enabled new kinds of crime, including new varieties of fraud. The integrity of the internet itself is also vulnerable to attack, for example, through the malicious deployment of spam and malware, the hacking of computers, and coordinated attacks on organisations (or even nations) such as “distributed denial of service” (DDoS). These and other issues are often encompassed by the term “cybercrime”.

Ways of addressing cybercrime are at the heart of many discussions about the internet and rights. This is partly because the instruments which are available to law enforcement agencies investigating cybercrime are very similar to those which oppressive governments can use to undermine freedom of expression, association and privacy (see above). Activity on the internet, even if conducted anonymously, leaves trails which can be opened for investigation if governments or law enforcement agencies have powers to secure the necessary information, for example, by requiring it from ISPs and other businesses. Rights organisations have resisted attempts by governments to introduce monitoring or surveillance of internet activity on the grounds that these can be abused to identify and suppress dissent as well as to investigate crime.

Article 14 of the ICCPR concerns the right to **fair trial**. In many jurisdictions, this right has been interpreted to require constraints on freedom of expression – notably freedom of the press – in order to avoid prejudicing juries and/or to protect the identities of victims, child defendants and vulnerable witnesses. Jurors' access to the internet has made it likelier that they will be influenced by material that is extraneous to fair trial procedures.

As well as privacy, Article 17 of the ICCPR grants protection to the citizen against “attacks upon his [sic] **honour and reputation**”. This establishes a basis within the rights regime for legislation concerning libel, slander and defamation. The enormous growth of self-publication on the internet, together with readily available anonymity, have made it much easier for individuals to mount attacks on others that may violate their rights under this article.

Article 25 of the ICCPR, which concerns the **right to participate in government**, including democratic elections, is affected by the same principles as those discussed above in relation to freedom of expression, information and association. Equality of access to public services, which is enabled in Article 21(2), also has implications for a right of access to the internet, at least where online access to public services is made mandatory or much easier than offline access.

Article 15 of the ICCPR confers protection of **authorial rights** in “any scientific, literary or artistic production.” Together with the right to property in Article 17 of the UDHR, some argue that this provides a basis in the rights regime for international law concerning intellectual property (IP). The internet has made it possible, and increasingly the norm, for some virtual goods, especially films, music and software, to be downloaded free by users, ignoring IP rules and charges, either from businesses that provide this option as a business model or through peer-to-peer file sharing. This has led to attempts by some governments and businesses to enforce IP online, while some internet activists have seen it as an opportunity to undermine the international IP regime.

Because of its general impact on the ways in which societies and economies work, described in section 4, the internet can be said to have a significant general impact on many of the **economic, social and cultural rights** set out in the second part of the UDHR and other international rights instruments. These include the rights to work (Article 23 of the UDHR), to leisure (Article 24), and to an adequate standard of living, health and welfare (Article 25). More attention is usually paid in this context to the right to **education** (Article 26), which can be made more widely available, to higher standards, through the use of information technology and the internet.

Attention is also paid to the right of everyone “freely to participate in the **cultural life** of the community, to enjoy the arts and to share in scientific achievement and its benefits” (Article 27 of the UDHR). This has two significant implications for the internet. From a technical point of view, it implies that the internet should be available in ways that are accessible to all, including those who only speak minority languages and those with disabilities. Internet technical professionals, businesses and governance bodies such as ICANN have paid considerable attention to ways of making the internet multilingual and accessible. It also raises the challenge of ensuring that content which is culturally diverse and relevant to minority communities should be readily available.

Lastly, the internet has an impact on rights included in other rights instruments, especially CEDAW and the CRC.

Women’s rights are affected in a number of ways by the internet, which has made pornography much more widespread and enabled new forms of harassment and stalking. APC has argued that governments must ensure that “laws, policies and practices do not permit or create new forms of violence against women such as cyberstalking, digital surveillance, data monitoring and other interferences with women’s rights.”

The rights and protection of **children** have been highly controversial in some discussions of internet rights. The CRC clarifies that children enjoy the same expression, association, information and protective rights as adults, but also confers added protection against physical and sexual abuse. As well as other content, the internet has enabled much wider distribution of images of child sexual abuse and created new opportunities for grooming, harassment, bullying and abuse of children’s rights. Child protection agencies have argued strongly for legal constraints on images of child sexual abuse, including in some cases prior censorship or mandatory filtering. Many freedom of expression activists have opposed or expressed

concern about such measures on the grounds that they could be abused to impose broader moral or political censorship.

Some of these issues concerning the relationships between rights are discussed in greater detail in the modules on freedom of expression and privacy within this programme. As indicated in section 1, Article 29 of the UDHR and various articles of the ICCPR and ICESCR allow governments to limit the application of rights within the international regime, provided that they do so through legislation, and solely “for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.” These limitations have been regarded narrowly in comments by the UN Human Rights Council, permitting governments to exercise them only where tests of necessity and proportionality are met through legal procedures with independent safeguards. However, they have been interpreted more widely by many governments.

Summary

This handout began by summarising the international human rights regime and outlining the most important changes which have taken place in information and communications since its adoption.

ICTs and the internet have had and are having a major impact on the ways in which society and economy, politics and culture develop. Access to the internet is increasingly considered essential for many activities and for the full achievement of many rights, but has not (yet) been generally agreed to be a human right.

The internet has greatly enhanced rights to expression, information and association, but has threatened rights to privacy and raised substantial issues concerning crime, security and surveillance. It has had an impact on several other rights, and also on the balance between rights, within the international regime. As well as new opportunities for exercising and promoting rights, the internet has seen the emergence of new rights violations, by governments, businesses and citizens.

International human rights instruments were developed before the internet. It has since been agreed by the UN Human Rights Council that “the same rights that people have offline must also be protected online.” How rights relate to the internet, however, requires interpretation, about which there are substantial differences of view. The exercises in this module and its companions should help their users to explore these differences.