

Human rights, ICTs and the internet

Multimedia Training Kit
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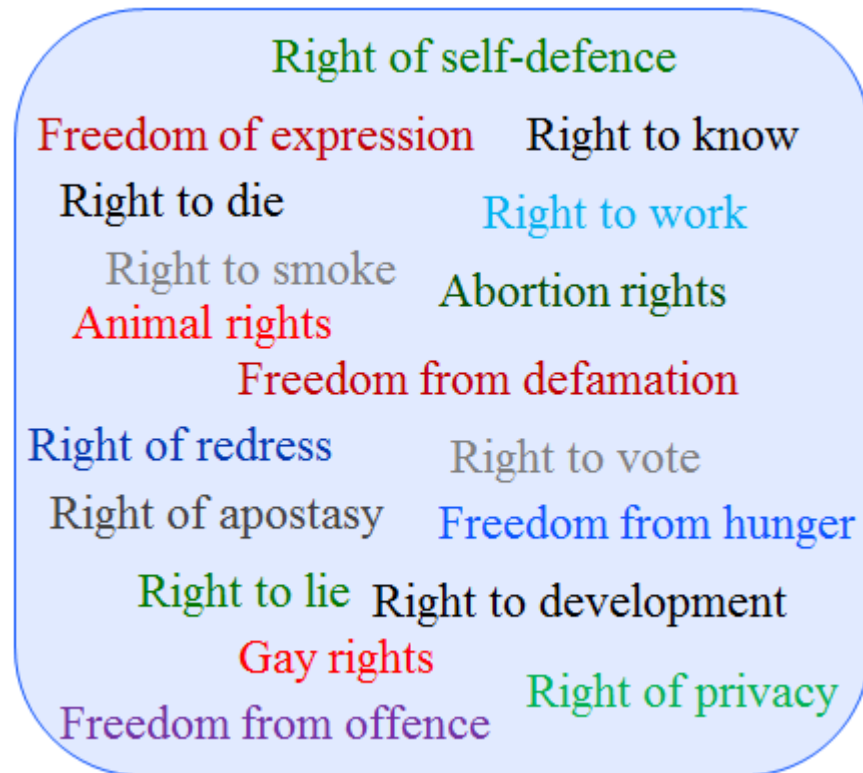
Course objectives

- To help human rights and ICT professionals, 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.
 - Explore how these affect their work.
 - Make more effective use of the opportunities provided by the internet and address the challenges that are posed by it.

Module 1 – key questions

- What have been the most important impacts of the internet on human rights? Which rights are strengthened and which threatened by the internet?
- What changes, if any, do these impacts require in the way rights are interpreted? Have some rights taken on new meaning on the internet?
- How can the enjoyment and enforcement of rights be made equivalent online and offline?
- What impact has the internet had on the relationship between different rights within the international rights regime?
- 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?
- How can human rights organisations use the internet to improve their work in promoting and protecting human rights?

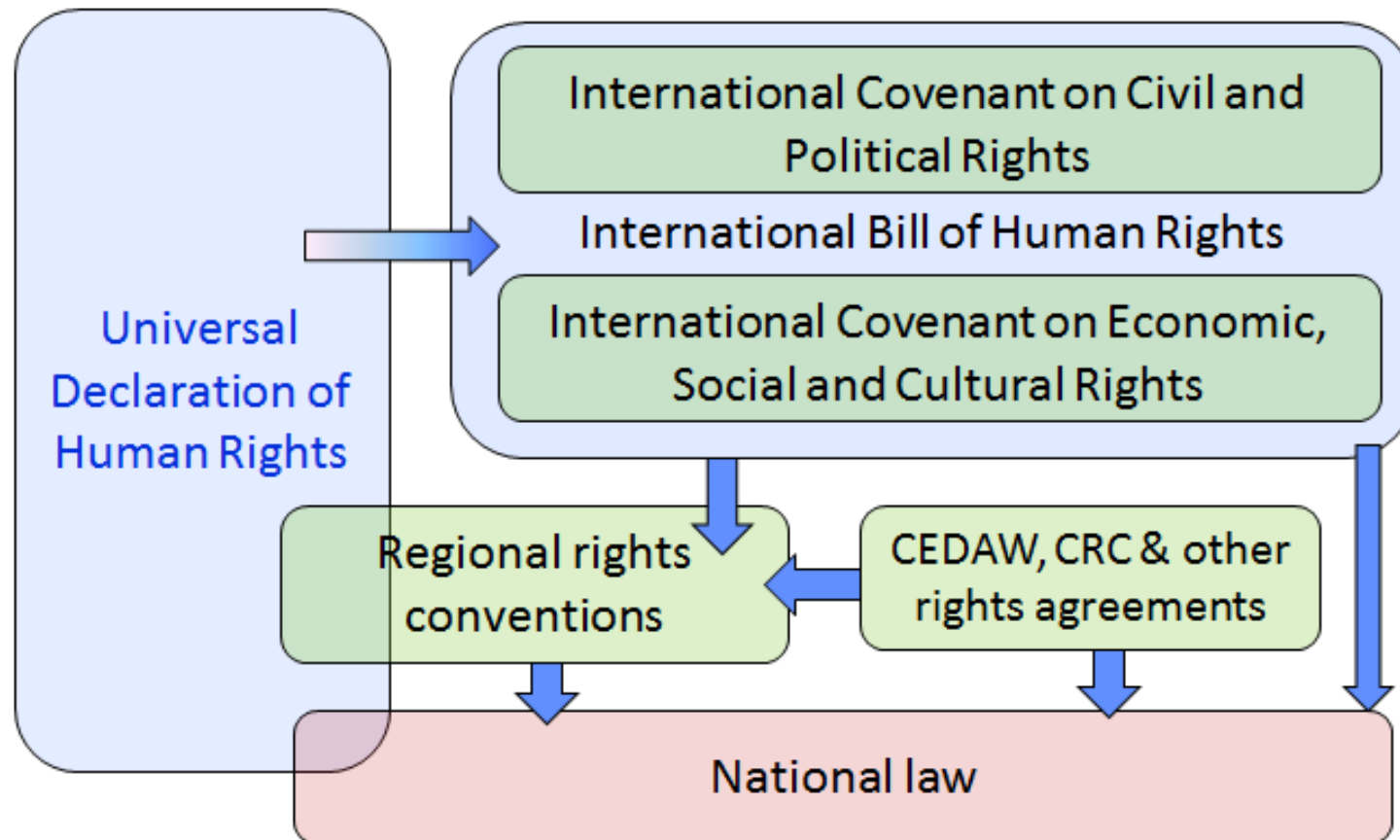
Rights and human rights



- We hold rights in different capacities – e.g. our rights under national law, as consumers or as members of a library.
- Human rights are a category of fundamental rights established within international agreements and encompassed in international law.

Source: D. Souter, course material, London School of Economics & Political Science

The international rights regime



Source: D. Souter, course material, London School of Economics & Political Science

Rights within the international regime

- Civil and political rights include:
 - life, liberty and security
 - freedom from slavery
 - equality before the law and fair trial
 - right of privacy
 - right to property
 - freedom of movement
 - freedom of religion
 - freedom of opinion and expression
 - freedom of association and assembly
 - right to participate in government, including democratic elections

- Economic and social rights include:
 - right to social security
 - right to work
 - right to leisure
 - right to adequate standard of living, health and welfare
 - right to education
 - right to cultural life

- Other rights instruments address:
 - women's rights – CEDAW
 - children's rights – CRC
 - racial discrimination – ICERD
 - torture - CAT

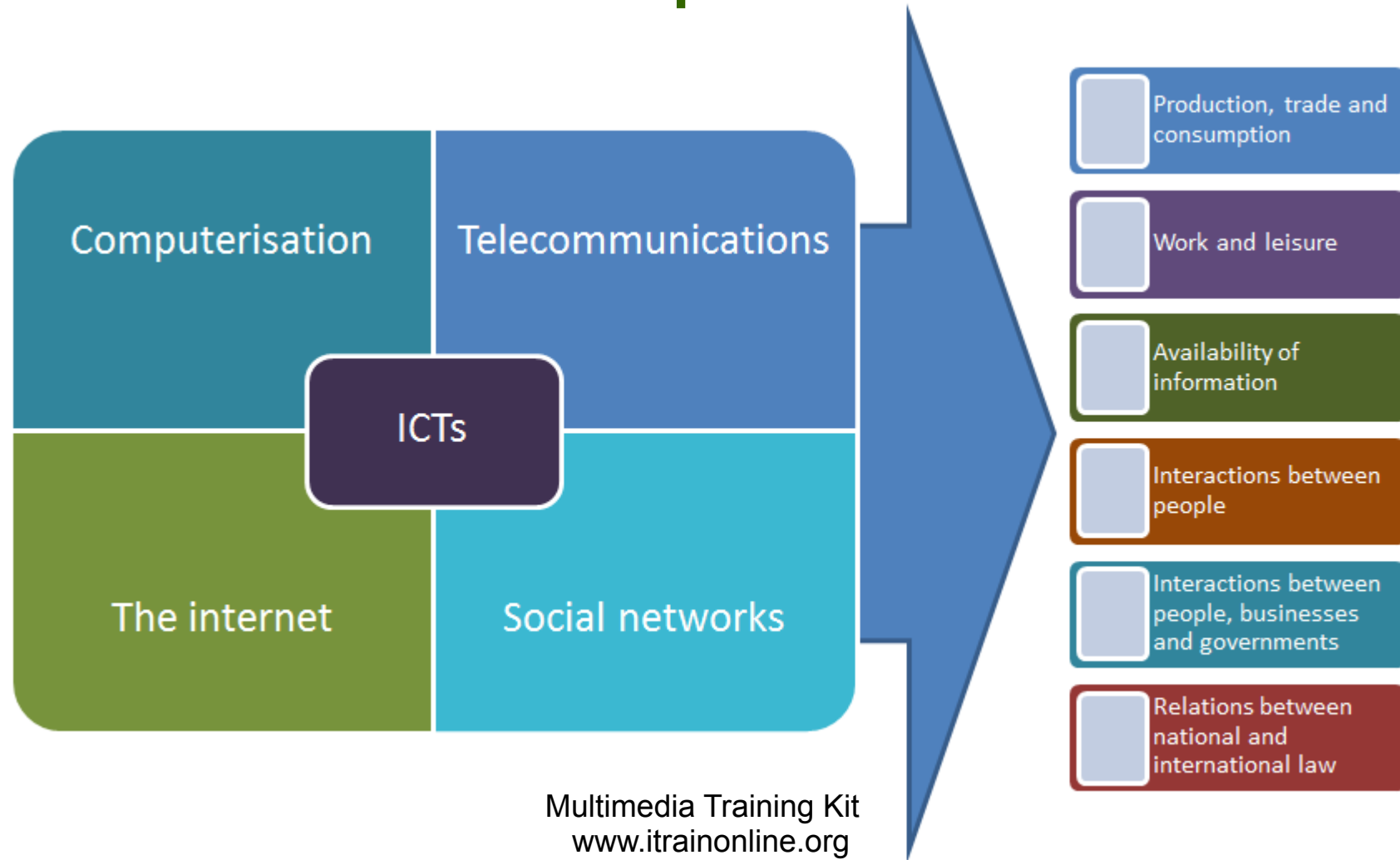
Limits to rights

- *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.*
 - Universal Declaration of Human Rights, Article 29

Obligations on governments to:

- Respect the rights of citizens in their own dealings with them.
- Protect the rights of citizens against violation by third parties (non-state actors, businesses, organisations, other individuals).

ICTs & the internet and their impact



Four key questions

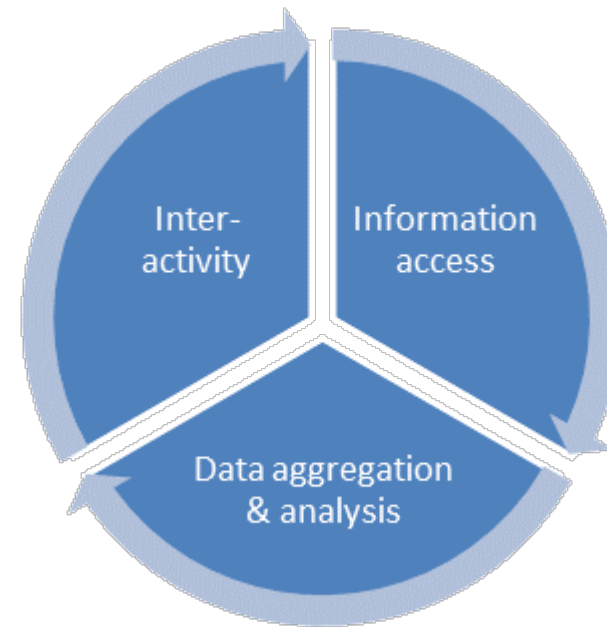
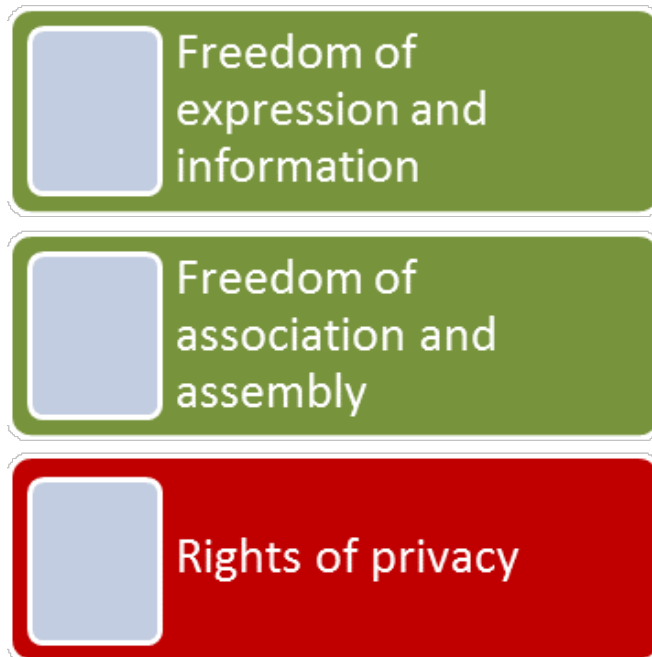
- What are the implications of the internet for law enforcement and for the implementation of rights?
- Should online and offline behaviour be treated the same way – and how?
- What are the responsibilities of internet intermediaries (ISPs, OSPs)?
- What should be the role of the UN and national governments concerning rights on the internet?

Access to the internet

- At present about one third of people worldwide use the internet.
- Should there be a right of access to the internet?
- Cf. broadcasting and telecommunications – does it make sense to have a right to a specific technology?
- The internet is “not yet a human right” but governments have an obligation to make it “widely available, accessible and affordable to all.”
 - UN Special Rapporteur on freedom of expression, 2012

Impacts of the internet on other rights

- The internet has had profound impacts on three rights in particular:
- This impact derives from the internet's ability to enhance three activities:



Impacts of the internet on other rights

- Rights of expression, information, association and assembly are generally seen to have been enhanced by the internet.
- Rights of privacy are generally seen to have been threatened by the internet.
- The internet is seen to have shifted the balance between different rights and the ability to exercise them.
- It has also enabled new ways in which rights can be violated – by governments, businesses and individuals.

Freedom of expression and information

1. *Everyone shall have the right to hold opinions without interference.*
2. *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
3. *The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
 - a) *For respect of the rights or reputations of others;*
 - b) *For the protection of national security or of public order (ordre public), or of public health or morals.*

Article 19 of the International Covenant on Civil and Political Rights

Freedom of association and assembly

The right of peaceful assembly shall be recognized.

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

No restrictions may be placed on the exercise of [either of these rights] other than those which are prescribed by [or in conformity with] law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Articles 21 and 22 of the International Covenant on Civil and Political Rights

Rights of privacy, honour and reputation

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

Article 17 of the International Covenant on Civil and Political Rights

Other rights significantly impacted by the internet

- Life, liberty and security of person – ICCPR Article 9
- Fair trial – ICCPR Article 14
- Authorial rights – ICCPR Article 15
- Participation in government – ICCPR Article 25
- Property – UDHR Article 17
- Education – UDHR Article 26
- Participation in cultural life – UDHR Article 27

Other rights significantly impacted by the internet

- Women's rights:
 - 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.”
- Children's 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.

Summary

- The internet has significantly affected the ability of:
 - people to enjoy and exercise some rights – especially freedom of expression and association.
 - governments, businesses and individuals to implement or violate those rights – especially privacy.
- It has altered the balance between some rights within the international regime.
- This has raised new challenges of interpretation for the rights regime, which will continue to arise as ICTs and the internet continue to change.