



# Human rights and digital rights: A global perspective on institutions and processes

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Topics to cover

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- **What are human rights?**
- **What is the international human rights framework?**
- **Why are human rights relevant to internet governance?**
- **What are the roles and responsibilities of key stakeholders in upholding human rights?**

# What are human rights?

- Norms, principles or entitlements that are inherent to all humans, and which are:
  - Universal, i.e. they are applicable to all
  - Inalienable, i.e. they cannot lawfully be withdrawn
  - Indivisible, i.e. of equal import
- They are interconnected and interdependent



# International human rights framework

## Bill of rights

At the international level, human rights are codified through the Universal Declaration of Human Rights (UDHR) in 1948, and they contain two categories of rights and freedoms that are interdependent.

- **Civil and political rights:** Right to life, liberty and security, freedom of expression, assembly and association, privacy. These are codified in – the International Covenant on Civil and Political Rights (ICCPR).
- **Economic, social and cultural rights:** Right to health, education, work, participation in cultural rights. These are codified in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

# Specialised instruments

Convention on the Prevention  
and Punishment of the Crime  
of Genocide

International Convention on the  
Elimination of all forms of  
Racial Discrimination

International Convention on the  
Elimination of all forms of  
Discrimination Against Women

Convention on the Rights of  
the Child

Convention on the Rights of  
Persons with Disabilities

Right	UDHR	ICCPR	ICESCR
The right to life	Article 3	Article 6	n/a
The right to liberty and security of person	Article 3	Articles 9 and 10	n/a
The prohibition of slavery and forced labour	Article 4	Article 8	n/a
The prohibition of torture and cruel, inhuman or degrading treatment or punishment	Article 5	Article 7	n/a
The right to recognition everywhere as a person before the law	Article 6	Article 16	n/a
The rights to equality and non-discrimination	Article 7	Article 26	n/a
The prohibition of arbitrary arrest, detention or exile	Article 9	Article 9	n/a
The prohibition of imprisonment for failure to fulfil a contract	n/a	Article 11	n/a
The right to a fair trial and the presumption of innocence	Articles 10 and 11(1)	Article 14	n/a
The prohibition of punishment for something which was not criminal when it was done	Article 11(2)	Article 15	n/a
The right to privacy, family life, home life and correspondence, as well protection from attacks upon a person's honour and reputation	Article 12	Article 17	n/a
The right to freedom of movement and residence within the borders of each state, as well as to leave any country, including their own, and to return to their country	Article 13	Article 12	n/a
The right to seek and to enjoy in other countries asylum from persecution	Article 14	n/a	n/a
The right to a nationality, and the prohibition of arbitrary deprivation of nationality and the right to change his nationality	Article 15	n/a	n/a
The right to marry and found a family	Article 16	Article 23	n/a
The right to own property	Article 17	n/a	n/a
The right to freedom of thought, conscience and religion	Article 18	Article 18	n/a
The right to freedom of opinion and expression	Article 19	Article 19	n/a
The prohibition of propaganda for war, and advocacy of national, racial or religious hatred	n/a	Article 20	n/a
The right to freedom of peaceful assembly and association	Article 20	Articles 21 and 22	n/a

The right to take part in the government of his country, directly or through freely chosen representatives; to equal access to public service in his country; and to free and fair elections	Article 21	Article 25	n/a
The right to social security	Article 22	n/a	Article 9
The right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.	Article 23(1)	n/a	Articles 6 and 7
The right to equal pay	Article 23(2)	n/a	Article 7
The right to just and favourable remuneration	Article 23(3)	n/a	Article 7
The right to form and join trade unions	Article 23(4)	n/a	Article 8
The right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay	Article 24	n/a	Article 7
The right to an adequate standard of living	Article 25	n/a	Article 11
The right to education	Article 26	n/a	Article 13
The right to the highest attainable standard of mental and physical health	n/a	n/a	Article 12
The right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits	Article 27(1)	n/a	Articles 15(1) and (2)
The right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author	Article 27(2)	n/a	Article 15(3)
The rights to an effective remedy for a human rights violation	Article 8	Article 2(3)	n/a



# Conflicts & limitations of human rights

- There could be conflicts between the exercise of different rights, i.e, the right to expression vs. the right to security
- All rights are not absolute
- Limitations may be imposed for reasons such as *morality, public order and the general welfare in a democratic society*
- Standards for permissible limitations: legality, necessity, proportionality, in pursuit of legitimate aim

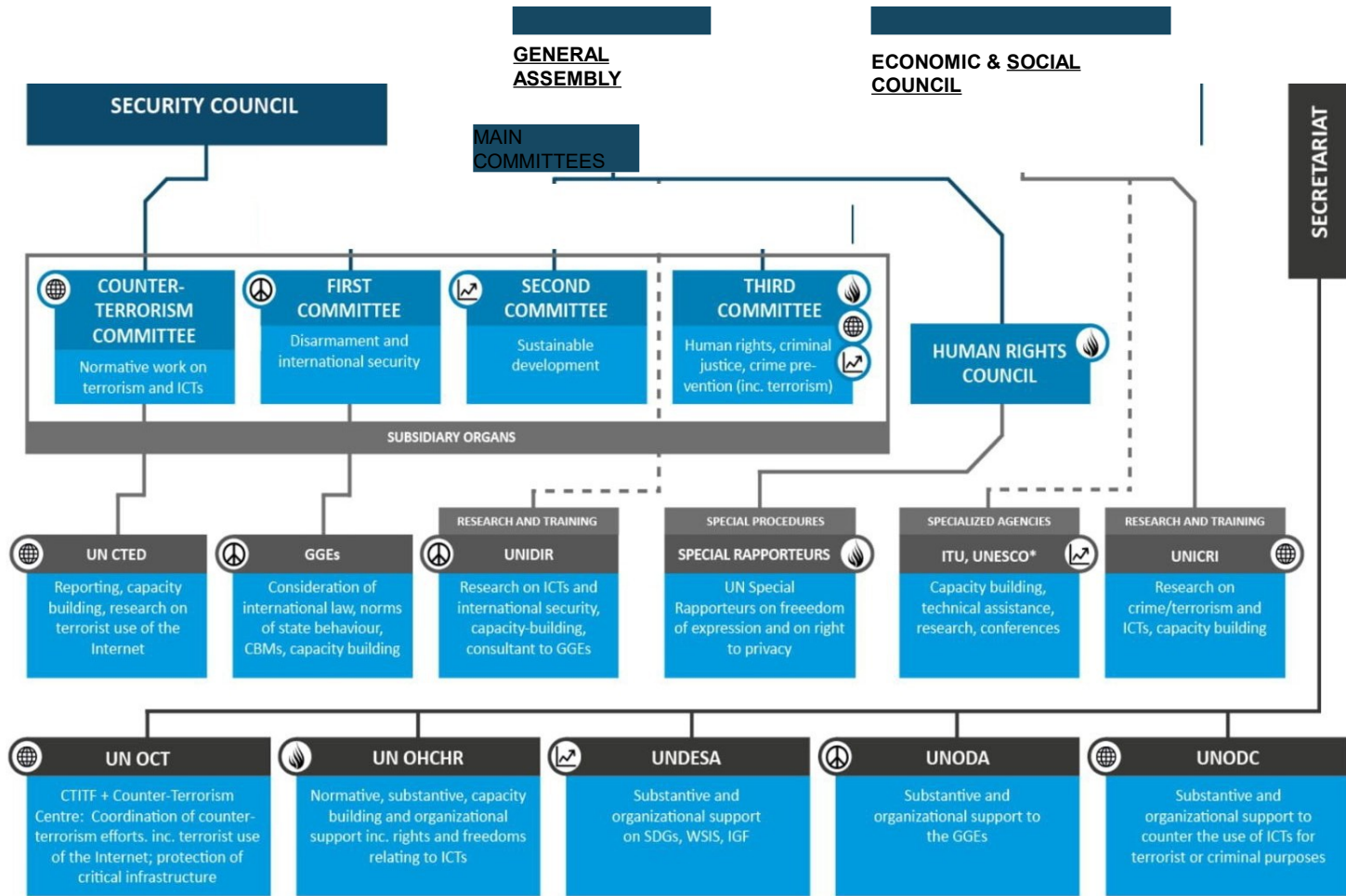






# Who does the human rights framework apply to?

- **Individuals and groups, who are the rights-holders**
- **Governments/States, who are the duty-bearers with responsibility to respect, protect and promote human rights**
- **Businesses, although not directly accountable for protection of human rights, still responsible for ensuring their protection and promotion (UN Guiding Principles on Business and Human Rights)**

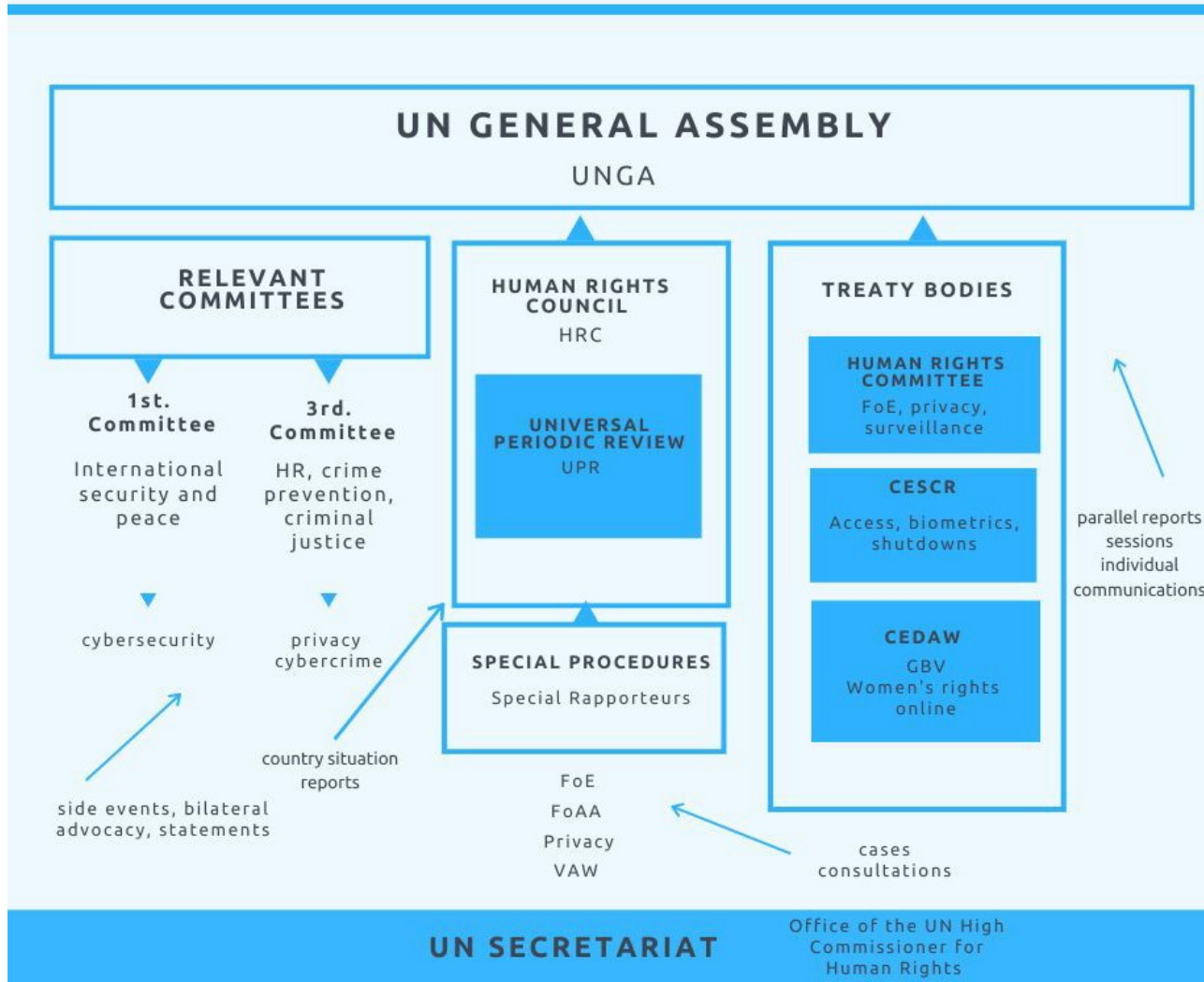


\* Specialized agencies are autonomous and are coordinated through ECOSOC at the intergovernmental level

@ INTERNATIONAL PEACE & SECURITY @ HUMAN RIGHTS @ ECONOMIC & SOCIAL DEVELOPMENT @  
 TRANSNATIONAL THREATS

# KEY UN SPACES

ADVOCACY ON HUMAN RIGHTS ONLINE



The same rights that people have offline must also be protected online.

States must promote and facilitate access to the internet.

UN Human Rights Council, 2012



# UN General Assembly

**Main UN  
policy  
making body**

The UN General Assembly delivers recommendations on many international issues. Increasingly, UNGA resolutions address digital issues.

Key resolutions:

- Right to privacy in the digital age
- Surveillance
- FoAA and internet shutdowns
- FoE & safety of journalists
- ICTs for development

# UN Human Rights Council

**Strengthens  
and promotes  
human rights**

The main inter-governmental body within the United Nations system responsible for addressing human rights violations. It provides a platform for public statements and discussions (including through Debates and Panels). It advances standards through negotiation of resolutions on specific substantive challenges (as well as SP mandates).

Key resolutions:

- Protection of human rights online
- Access to the internet
- FoE, FoAA, internet shutdowns
- Right to privacy
- Protection of HRDs and WHRDs online
- Gender-based violence online

# HRC - Universal Periodic Review

HRC consists of 47 UN member countries that regularly conduct a review of HR situation in each UN member State.

UPR addresses situations of human rights violations, including digital rights.

Receives complaints and makes recommendations on how to improve fulfillment of human rights.

It's interactive, all UN member states have the opportunity to question and make recommendations to other states.



# HRC - Special Rapporteurs

Independent experts that examine, monitor, advice about and report on human rights situation in a specific country or a thematic human rights issue.

UNSRs undertake fact-finding missions in countries; prepare thematic reports that serve as a guide on norms and standards; and raise public awareness through the media on issues within their mandates.





# UN Treaty Bodies

They monitor the implementation of human rights treaties by focusing on law, policy and implementation. They advance norms and standards, 'modernise' understanding of treaty rights interpretation of the provisions of its respective human rights treaty in the form of "general comments" or "general recommendations". They are as 'legally binding' as it gets in this system.

## Monitoring implementation of treaties

Key committees discussing digital rights:

- Human Rights Committee (CCPR)
- Committee on Economic, Social and Cultural Rights (CESCR)
- Committee on the Elimination of Discrimination against Women (CEDAW)

# Role of states

- States play a central role in international human rights law as the primary duty-bearers.  
They have a responsibility to  
Respect human rights (avoid interfering with or infringing upon the rights of individuals);  
Protect human rights (safeguard individuals against rights violations by third parties, such as corporations or non-state actors);  
Fulfill human rights (take proactive measures to ensure the realization of human rights)  
Responsibility to adhere to international human rights law where it is binding or where they have signed or ratified treaties by aligning national law;  
Responsibility to create mechanisms for monitoring, enforcement and remedies for rights violations (judicial (courts, tribunals) or administrative mechanisms (NHRIs, ombudsmen);  
Responsibility to report on their human rights performance through UPR and

# Role of MPs

MPs play a vital role in the international human rights system by shaping laws, policies, and oversight mechanisms that uphold human rights standards. Their actions at the national level directly impact a country's compliance with its international human rights obligations;

Responsibility to draft, debate, and enact laws that align with international human rights treaties and principles, through domestication of international treaties which state has ratified, and enacting rights-friendly law in compliance with international HR obligations - including addressing emerging digital rights issues;

Monitoring implementation of state's human rights obligations:

Reviewing reports submitted to international bodies;

Asking questions about compliance of recommendations from UPR, treaty bodies;

Ensuring support for mechanisms such as NHRIs - funding, sustainability, independence;

Engaging with CSOs and others to monitor adherence of state to human rights obligations.

# Role of civil society

CSO's primary role is to advocate for upholding of human rights, monitoring state's responsibility towards human rights, and ensuring accountability for human rights violations.

Raise awareness among public about human rights standards, violations, and remedies;

Engage with policymakers to shape rights-based laws and policies, and push for ratification and implementation of international human rights treaties;

Monitoring human rights conditions and documenting violations by making submissions to and engaging with human rights council, treaty bodies, UPR and special procedures  
- share data, case studies on violations, make recommendations regarding state compliance, lobby for resolutions on key issues;

Monitoring not only state obligations but also obligation of non-state actors such as businesses.

# Role of business

Businesses have a responsibility to respect human rights in all their operations as outlined in the UN Guiding Principles on Business and Human Rights (UNGPs) and adhere to international human rights law. This includes:

**Avoiding violations:** Ensuring their actions do not infringe on human rights, such as avoiding child labor or unsafe working conditions.

**Addressing Impacts:** Taking responsibility for any adverse impacts they cause or contribute to.

They can engage with international human rights mechanisms such as UPR, SPs, make contributions to treaty bodies about business standards, highlight concerns, engage in forums such as UN forum on business and human rights;

Businesses are expected to identify, prevent, mitigate, and account for their human rights impacts through risk assessment, developing rights-respecting policies, and providing transparent reporting on the implementation of these policies - both for themselves and their partners in the supply chain;

Particularly in the tech sector, businesses can play a role in upholding digital rights through protecting privacy, preventing censorship, providing access.

Question:

*What has been your experience engaging with the international human rights system?*



# Thank you!