

HUMAN RIGHTS AND INTERNET GOVERNANCE



APC
ASSOCIATION FOR
PROGRESSIVE
COMMUNICATIONS

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WHAT ARE HUMAN RIGHTS?

- Rights inherent to ALL human beings – rights that ensure that we live a life of dignity
- Born with these rights – states merely regulate them
- Universal and inalienable



WHERE CAN I FIND THEM?

- Guaranteed by law, in the forms of treaties, customary international law , general principles and other sources of international law.
- International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.
- **This is the minimum!**

BILL OF RIGHTS

Universal Declaration of Human Rights

International Covenant on Civil and Political Rights

International Covenant on Economic Social and Cultural rights

A whole host of other treaties and covenants

HOW DOES IT APPLY TO THE INTERNET?

- [T]he same rights that people have offline must also be protected online
- On and through digital technologies and spaces
- Direct exercise and indirect impact:

Example 1: E-commerce

Example 2: Internet shutdowns

Example 3: Sexual harassment online

Source: <https://www.apc.org/en/pubs/impact-internet-human-rights-africa>

THE IMPACT OF THE INTERNET ON HUMAN RIGHTS


ARTICLE 19 FREEDOM OF EXPRESSION

THE INTERNET ALLOWS FOR INCREASED

- SELF-PUBLICATION & ANONYMITY
- CULTURAL & POLITICAL CENSORSHIP

2011 & 2012
PAKISTAN

A Twitter ban was imposed on 20 May 2012. Social media, increasingly used by the Pakistani people, have been blocked: YouTube, Facebook.



TODAY

Governments are pushing for cybercrime or copyright legislation that limits this right online. E.g., SOPA and PIPA in the United States, ACTA in Europe.


ARTICLE 20 FREEDOM OF ASSOCIATION

THE INTERNET ALLOWS FOR INCREASED

- ABILITY TO ORGANISE POLITICAL ACTIVITY
- STATE SURVEILLANCE OF & THROUGH NEW MEDIA

2011
MALAYSIA

Peaceful Bersih 2.0 demonstrations were largely coordinated over sms and Twitter. Violent reactions displayed a cold disrespect for this fundamental right.



TODAY

Governments are introducing special legislation that suspends or limits online mobilisation. E.g., anti-student-protest law in Québec & in Russia.


ARTICLE 3 RIGHT TO LIFE, LIBERTY & SECURITY

THE INTERNET ALLOWS FOR INCREASED

- THREAT THROUGH MALICIOUS HACKING
- ABUSE OF STATE POWER, SURVEILLANCE, ETC.

2012
UGANDA

In the city of Gulu, the police raided a legal sex workers drop-in centre and seized digital material.




ARTICLE 12 RIGHT TO PRIVACY

THE INTERNET ALLOWS FOR INCREASED

- MONITORING OF ONLINE BEHAVIOUR & NETWORKS
- VIOLATION OF DATA PROTECTION

2011
SOUTH KOREA

Personal data of 13 million gamers were leaked from an online company, leading the government to consider new measures to stop the collection and storing of user information.




ARTICLE 21 EQUAL RIGHT TO PUBLIC SERVICES


THE INTERNET ALLOWS FOR INCREASED

- TRANSPARENCY IN SERVICES
- STATE SURVEILLANCE OF & THROUGH NEW MEDIA

2012
COLOMBIA


In the last decade, Colombia has established more than 1,500 telecentres, offering access to ICTs, e-gov services and technology training.






UNIVERSAL DECLARATION OF HUMAN RIGHTS


ARTICLE 12 PROTECTION AGAINST DEFAMATION




ARTICLE 21 RIGHT TO PARTICIPATE IN GOVERNMENT




ARTICLE 18 FREEDOM OF CONSCIENCE & RELIGION




ARTICLE 27 PROTECTION OF INTELLECTUAL PROPERTY



ARTICLE 29 PROTECTION OF RIGHTS OF OTHERS



ARTICLE 30 PRIMACY OF RIGHTS OUTCOMES



CONNECT YOUR RIGHTS!

INTERNET RIGHTS ARE HUMAN RIGHTS

RIGHTS.APC.ORG

ARTICLE 15 - ICESCR

The States Parties to the present Covenant recognize the right of everyone:

...

To enjoy the benefits of scientific progress and its applications

HATE SPEECH

HINDUISM IS A
BACKWARD RELIGION

ROHINGYAS ARE INFILTRATORS - A THREAT
TO OUR CULTURE - CRUSH THEM!

RIGHTS BASED APPROACH

Where people and rights take
the centre stage

It integrates the norms, standards and principles of the highest applicable human rights law and standards into the analysis, plans, policies and processes of human development and applies to all sectors, all modalities, and at each step.

THE WHO AND WHAT?

It treats individuals and collections of individuals as ‘rights-holders’ with legal entitlements, and government institutions as not mere service providers but ‘duty-bearers,’ who are under an obligation to deliver on peoples’ rights. This also extends to non-state actors including corporations to refrain from infringing on the rights of others and playing a key role in ensuring that all rights can be enjoyed by all people. Therefore, states and other entities not only have the responsibility to protect the rights holders, they also have an active role to contribute to the development of the capacities of ‘rights-holders’ to claim their rights and ‘duty-bearers’ to meet their obligations.

PRINCIPLES

- Applying all rights
- Participation
- Non-discrimination
- Accountability
- Transparency
- Recognising of unequal power relations and exclusion

HUMAN RIGHTS MECHANISMS

PLATFORMS AND PROCESSES

International: Human Rights Council; treaty bodies

Regional: Council of Europe; African Commission on Human and People's Rights; Organisation of American States

National: national human rights institutions and courts

NATIONAL

Strategic litigation

Engaging National Human rights Institutions

Sources:

<https://www.apc.org/en/pubs/national-human-rights-institutions-digital-spaces>

SOURCE:

HTTPS://WWW.APR.ORG/EN/PIRS/HUMAN-RIGHTS-AND-INTERNET-KEY-ROLE-OF-NATIONAL-HUMAN-RIGHTS-INSTITUTIONS-PROTECTING-HUMAN-



HUMAN RIGHTS and the INTERNET



The Key Role of National Human Rights Institutions (NHRIs) in Protecting Human Rights in the Digital Age

This is an invitation to National Human Rights Institutions (NHRIs) to be part of a worldwide movement that seeks to respect, protect and promote human rights in the digital age.

HUMAN RIGHTS AND THE INTERNET

The Key Role of National Human Rights Institutions (NHRIs) in Protecting Human Rights in the Digital Age

There is not a clear distinction between "online" and "offline" worlds anymore. When we talk about human rights in modern societies, we must consider how internet can strengthen them.

FREEDOM OF EXPRESSION
The internet is a unique platform to foster access people's opinions and ideas and exchange information thus helping people to more actively engaged.

PRIVACY
Privacy enables individuals to protect themselves against unwanted knowledge in their lives. Surveillance by governments, companies, businesses and other users can take our ability to enjoy full citizenship online as well as offline.

WOMEN AND GENDER RIGHTS
The internet is a critical digital resource that enables women to exercise people's, exercise their rights, promote gender equality and empowerment of women and LGBTIQ people in society, all matters with full use and enjoyment of the internet by women and LGBTIQ people.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ESCRs)
The internet is also increasingly becoming an important enabler of economic, social and cultural rights (ESCRs), such as the rights to education, cultural participation and the benefits of science and technology. Around the world, forces like gender gap, the digital divide and inequalities often deprive those who can and cannot enjoy ESCRs through the internet.



We are all cyborgs. Digital technologies are an extension of ourselves. Increasingly, our economies, politics, relationships and rights are mediated and facilitated by the internet.

The internet's role has become so much more relevant today that many governments have tried to regulate it in ways that broaden citizens' rights. Likewise, almost all our online interactions are made through private platforms, therefore human rights of users are also impacted by the role of private companies.

There are many hurdles obstructing a full awareness of human rights online. The internet has become a key site of struggle for the full enjoyment of human rights.

Some obstacles to the full enjoyment and realization of human rights are:

INTERNET SHUTDOWNS
In internet shutdowns is a total or partial restriction of internet, usually by governments, in order to make it inaccessible or effectively unusable for certain groups of people. The most common reasons for which to have an impact on a range of human rights (freedom of expression, right to health, education, among many others).

GENDER-BASED VIOLENCE ONLINE
Online violence is part of the continuum of gender-based violence. It can include sexual harassment, online sexual exploitation, threats and extortion.

CENSORSHIP AND DISCRIMINATION
In various public or private, online and offline, actions and policies that aim to restrict, control and discriminate against certain groups of people, based on their gender, race, ethnicity, religion, sexual orientation, gender identity and expression.

SURVEILLANCE TECHNOLOGIES AND DATA PROTECTION
Digital communication technologies and companies to collect, store and process personal information in ways that are not transparent and do not allow users to control their data.

BARRIERS TO INTERNET ACCESS AND AFFORDABILITY
People who do not have access to the internet cannot use it to improve their lives.

What can NHRIs do to uphold and promote internet rights?



NHRIs have a key role to play in order to protect and promote human rights on the internet

- Internet rights promotion: NHRIs can create a national culture of respect for the internet rights.
- Increase public awareness of internet rights campaigns, seminars, press conferences, etc.
- Assist in the formulation and delivery of education initiatives.
- Impact training about internet rights for key groups such as NGOs, judges, police, journalists, etc.

- Internet rights protection: NHRIs have the responsibility of protecting all human rights exercised through any medium.
- Investigate human rights abuses on the internet.
- Monitor legislations that can undermine internet rights.
- Advise governments and other authorities about internet rights protection.
- Include reports on internet-related rights in the Universal Periodic Review (UPR) and other human rights monitoring bodies.

Human rights violations can also happen through cyberattacks. Be alert: NHRIs members, staff, witnesses and sources can be targets of governments and third parties.



- 1. THREAT MODELING**
NHRIs should assess what data they need to protect in their investigations of rights violations, and when they need to protect it from in order to keep it secure from cyberattacks.
- 2. ADOPT MEASURES**
Based on the threat modeling, NHRIs should adopt measures and tools for their digital security, such as:
 - Have a well-developed internet and communication policy that helps the institution stay effective and secure.
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UN HUMAN RIGHTS COUNCIL

- Check out:
<https://www.ohchr.org/en/hrbodies/hrc/pages/home.aspx>
- Founded in 2006 – based in Geneva
- 47 UN member states elected – three-year terms on a regional group basis
- Resolutions : Human rights on the internet
- Treaty bodies
- OHCHR
- Special Procedures
- UPR

AFRICAN STATE MEMBERS

Current Membership of the Human Rights Council, 1 January - 31 December 2019 by regional groups

COUNTRY	TERM EXPIRES IN
AFRICAN STATES	
Angola	2020
Burkina Faso	2021
Cameroon	2021
Democratic Republic of the Congo	2020
Egypt	2019
Eritrea	2021
Nigeria	2020
Rwanda	2019
Senegal	2020
Somalia	2021
South Africa	2019
Togo	2021
Tunisia	2019

TREATY BODIES

ICCPR Human Rights Committee

ICESCR Committee on Economic Social and Cultural Rights

CEDAW Committee on the Elimination of Discrimination
against Women

CERD Committee on the Elimination of Racial
Discrimination

CAT Committee against Torture

CRC Committee on the Rights of the Child

SPECIAL PROCEDURES

- <https://www.ohchr.org/en/hrbodies/sp/pages/welcomepage.aspx>
- A whole range
- Annual and thematic reports (joint reports)
- Joint statements
- Communications
- What's the point?

UPR

It reviews the human rights record of each state according to the same parameters and procedures, whatever the human rights situation and the state's ratification or compliance with international human rights treaties. This interactive dialogue, where all UN member states have the opportunity to question and make recommendations to other UN member states, is an approach that is unique to the UPR process.

RESOURCES

UPR:

<https://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>

UPR and Digital rights guide:

















<https://www.apc.org/en/pubs/using-universal-periodic-review-human-rights-onlin>

UP course:





















<https://advocacyassembly.org/en/courses/48/#/chapter/1/lesson/2>

UPR recommendations database: <https://www.upr-info.org/en>

DO AFRICAN STATES NOT CARE?

SuR	Rec Number	Recommendation	RS	Response	A	Issue	C
Finland  WEOG EU	100.7	Strengthen the fight against xenophobia on social networks and the internet	Algeria  Africa AU, OIC, AL	Supported	4	<ul style="list-style-type: none"> Racial discrimination 	3
Netherlands  WEOG EU	131.81	Investigate and prosecute racist and xenophobic discourse and incitement to hatred in the media and on the internet by extremist politicians	Sierra Leone  Africa AU, OIC, Commonwealth	Supported	5	<ul style="list-style-type: none"> Racial discrimination 	3
Netherlands  WEOG EU	131.83	Take stricter measures to condemn and ensure accountability for all manifestations of intolerance, including in political discourse and on the internet , and punish those who are involved in it	Egypt  Africa AU, OIC, AL, OIF	Supported	4	<ul style="list-style-type: none"> Racial discrimination 	3
China  Asia	N/A	Continue the spread of internet connections throughout the rural areas	Ethiopia  Africa AU	Supported	2	<ul style="list-style-type: none"> Development 	2
Czechia  EEG EU	N/A	Set up national mechanisms to monitor, investigate, prosecute and punish incitement to and acts of hatred, intolerance, racism and xenophobia, including hate speech and racist and xenophobic acts committed on the internet and through political platform	Egypt  Africa AU, OIC, AL, OIF	Supported	5	<ul style="list-style-type: none"> Racial discrimination 	2
Finland  WEOG EU	N/A	Persevere in its efforts to prevent and combat xenophobia, in particular on the internet	Morocco  Africa OIC, AL, OIF	Supported	2	<ul style="list-style-type: none"> Racial discrimination 	2
Finland  WEOG EU	N/A	Implement strict measures, including in the area of legislation, to combat hate speech and other manifestations of racism and xenophobia, including on the internet , in line with the obligations under articles 19 and 20 of ICCPR	Egypt  Africa AU, OIC, AL, OIF	Supported	5	<ul style="list-style-type: none"> International instruments Racial discrimination 	2
Portugal  WEOG EU, OEI	N/A	Closely monitor developments relating to extreme right and racist movements, including skinhead groups, and reinforce efforts to counter the dissemination of racist and xenophobic propaganda by a section of the population through the internet	Nigeria  Africa AU, OIC, Commonwealth	Supported	4	<ul style="list-style-type: none"> Racial discrimination 	1

RECOMMENDATIONS RECEIVED

SuR	Rec Number	Recommendation	RS	Response	A	Issue	C
Algeria  Africa AU, OIC, AL	N/A	Following the lifting of the State of Emergency in February 2011, promptly take measures to bring all other legislation and decrees in conformity with its international obligations aimed at fully ensuring freedom of expression, including on the Internet , and freedom of peaceful assembly and of association	Canada  WEQG OAS, OIF, Commonwealth	Noted	4	<ul style="list-style-type: none"> Freedom of association and peaceful assembly Freedom of opinion and expression 	2
Eritrea  Africa AU	N/A	Lift all the restrictions on the rights to freedom of expression and of the press, including Internet freedom and fully implement its obligations in accordance with ICCPR	Estonia  EEG EU	Noted	5	<ul style="list-style-type: none"> Freedom of opinion and expression Freedom of the press International instruments 	2
Rwanda  Africa AU, OIF, Commonwealth	N/A	Continue with the impressive process of granting access to the Internet to its population, in particular to underprivileged communities	Haiti  GRULAC OAS, ACS, OIF	Supported	2	<ul style="list-style-type: none"> Other 	2
Seychelles  Africa AU, OIF, Commonwealth	N/A	Review its legislation in order to protect and promote the right to freedom of opinion and expression, including on the Internet , also providing protection to journalists against harassment by police and other authorities	Brazil  GRULAC OAS, OEI	Supported	3	<ul style="list-style-type: none"> Freedom of opinion and expression Freedom of the press Human rights violations by state agents 	2
Tunisia  Africa AU, OIC, AL, OIF	N/A	Take further steps in order to guarantee freedom of expression, including freedom of expression on the Internet	Greece  WEQG EU, OIF	Supported	4	<ul style="list-style-type: none"> Freedom of opinion and expression 	2
Uganda  Africa AU, OIC, Commonwealth	N/A	Improve the transparency of the electoral process, provide equal conditions for all candidates, prevent obstruction of the media and the Internet , and ensure the independence of the Electoral Commission and impartial investigation of allegations of election fraud and violence	Czechia  EEG EU	Supported	4	<ul style="list-style-type: none"> Elections Freedom of the press 	2
Egypt  Africa AU, OIC, AL, OIF	N/A	Immediately release persons detained or imprisoned for exercising their freedom of expression on the Internet	Sweden  WEQG EU	Supported	5	<ul style="list-style-type: none"> Detention Freedom of opinion and expression 	1
Egypt  Africa AU, OIC, AL, OIF	N/A	Revise relevant laws and practice to ensure compliance with ICCPR including for bloggers and public access to Internet	Czechia  EEG EU	Supported	3	<ul style="list-style-type: none"> Freedom of opinion and expression International instruments 	1
Egypt  Africa AU, OIC, AL, OIF	N/A	Take action to secure that the enjoyment of human rights extends to the Internet , as pronounced by the Human Rights Committee and relevant United Nations resolutions	Sweden  WEQG EU	Supported	4	<ul style="list-style-type: none"> Freedom of opinion and expression Treaty bodies 	1
Libya  Africa AU, OIC, AL	N/A	Take measures to protect freedom of expression and association, by pursuing its reforms of the law on the press and of the Penal Code to bring them into conformity with its fundamental law and international standards, by putting an end to the restrictions on Internet access, and by allowing the free establishment of associations	France  WEQG EU, OIF	Supported	5	<ul style="list-style-type: none"> Freedom of association and peaceful assembly Freedom of opinion and expression 	1

HOW DO WE ENGAGE?

- Solid research
- Collaborate
- Strategise
- Persist
- Submit briefs and statements
- Deliver statements
- Holding meetings in public and private

IF YOU NEED ANY HELP WITH YOUR ADVOCACY

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