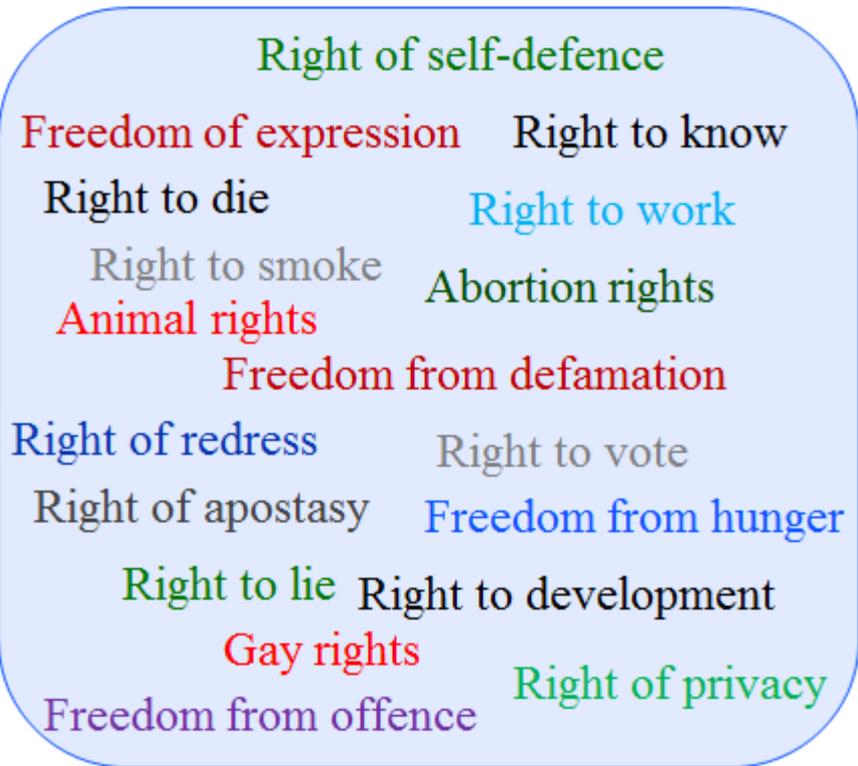


Internet governance and human rights

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Original slides developed by Prof. David Souter

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

Rights within the international regime - treaties

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

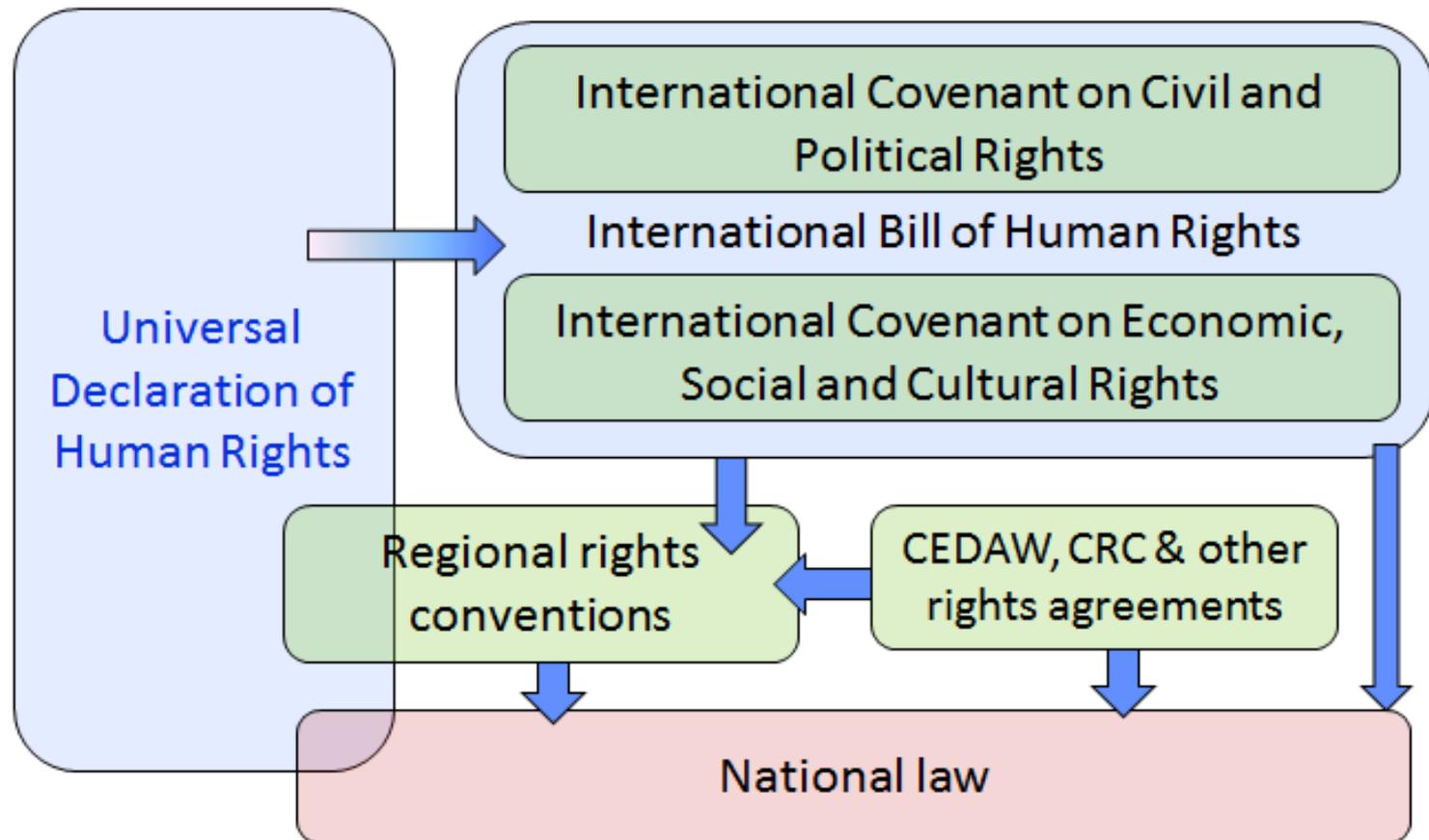
Economic and social rights include:

- 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

The international rights regime



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Obligations on governments

- ❑ To avoid infringing the rights set out in the Covenants and other instruments
- ❑ To promote the rights set out in the Covenants and other instruments by enabling people to exercise them effectively
- ❑ To prevent those rights from being violated by third parties

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

Impacts of the internet on human rights

- The internet has had profound impacts on three rights in particular:

 Freedom of expression and information

 Freedom of association and assembly

 Rights of privacy

- This impact derives from the internet's ability to enhance three activities:

- Data aggregation and analysis
- Access to information
- Interactivity

Rights significantly impacted by the internet

- The internet has had profound impacts on three rights in particular:

 Freedom of expression and information

 Freedom of association and assembly

 Rights of privacy

- Other rights significantly affected include:
 - 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
 - Social and economic rights in general – in that the Internet is increasingly important in all aspects of social and economic life

Other rights significantly impacted by the internet

- **Women's rights:**
 - APC has argued that governments and other actors must address new ICT-enabled 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.

Four rights areas to consider

- ❑ Access
- ❑ Expression and information
- ❑ Association and assembly
- ❑ Privacy

Is access to the Internet a human right?

- At present about 50% of people worldwide use the internet. at least occasionally.
- Is there or should there be a right of access to the internet?
- There are risks to reopening the international rights regime.
- The internet is 'not yet a human right' but governments have an obligation to make it 'widely available, accessible and affordable to all'
 - HRC internet resolution 2012 followed by resolutions every two years

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.*

Article 19 of the International Covenant on Civil and Political Rights

Freedom of expression and information

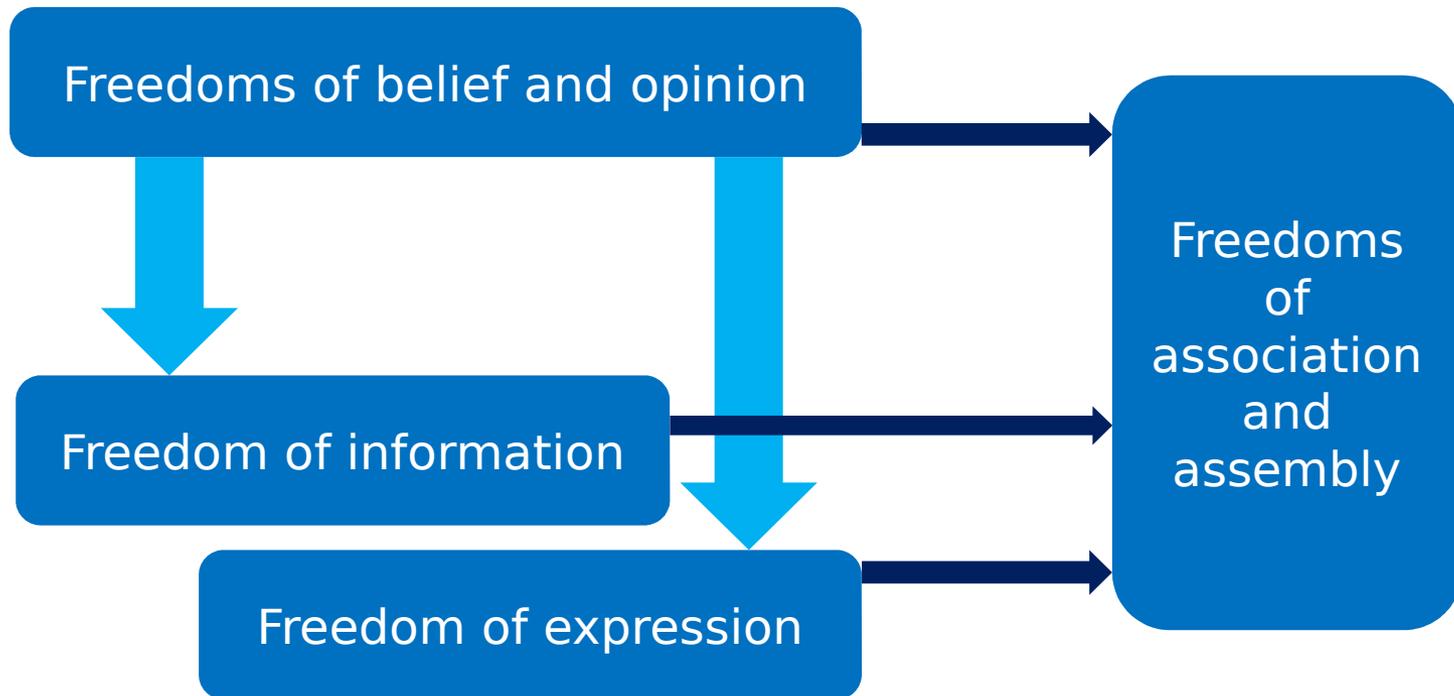
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3. *The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
- 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 rights in relation to other rights



African Charter on Human and People's Rights, Article 9

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

African Charter on Human and People's Rights, Article 27 (2)

The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

African Charter on Human and People's Rights

Article 10 (1)

Every individual shall have the right to free association provided that he abides by the law.

Article 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the Safety, health, ethics and rights and freedom of others.