

“Access to Internet as Human right”

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Abstract:

In modern times the human activities tend to depend more and more on technology, especially, information technology: it goes without saying that human being have an edge over all forms of life without saying that human being have an edge over all forms of life on the earth, as they are bestowed with the ability to think, analyse and act accordingly. The internet, the network of computer networks, provided an efficient method of near instantaneous exchange of information across the globe and the world literally become global village. In fact internet today is considered a solution to the most of problem. The question arises where “ is the Internet access a basic human right, like access to healthcare water.” This article will analyse the prospect of declaring Internet access as Human right.

Keywords:

information technology, Internet access, Human Right, Freedom of speech, Freedom of expression. Etc

INTRODUCTION

The office of the High commission for Human Rights at the U.N. has defined human rights as “ rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language or any other status. We are equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.”

To ensure that human rights are upheld, the U.N. law is used as the vehicle to bring about some necessary change. As U.N. has noted “International human rights law lays down obligations of governments to act in certain ways or to refrain from certain act in order to promote and protect human rights fundamental freedoms of individual or groups.¹”

¹<http://www.entrepreneur.com/article/251942>,retrieved on 30 June, 2016

A U.N. Human Right council report examined the important question of whether internet access is human right? The resolution in council says that all the people should be allowed to connect on the internet and express themselves freely on the Internet. All 47 members of the Human Right council, including notoriously censorship prone countries China and Cuba signed the resolution.

The concept was first affirmed by U.N. agency, the International Trade Union, in 2003. Internet access since been supported by several of the internet's most well known proponents, including, Tim Berners Lee the inventor of World Wide Web. While reflecting on the internet's role in the Arab spring uprising Berner-Lee told BBC, "its empowering thing for humanity to be connected at high speed and without border."²

Over the past few years even today, it has been repeatedly pointed by researchers and NGOs through key development Indicators that countries with higher economic development, freer information and media communication, better educational healthcare systems improved democratic participation and overall quality of life than the countries with low internet penetration.

The urgent need to bridge the digital divide has been recognized by the U.N. and countries like Costa Rica, Estonia, Finland, France, Greece and Spain that have created frameworks and policies that consider Internet Access as Fundamental Human Right.

To understand how a society can completely transform itself by enabling internet access for its citizens, Estonia presents a great study. Estonia, as a country with population of 1.3 million, has one of the highest technology adoption rates with over 805 of citizen connected to the Internet as on 2013.³ As Estonia declared Internet access as human right in 2000 and took necessary steps to increase internet penetration with efforts like Tiger leap⁴ program and EstWin⁵, Estonia enjoyed improved GDP and happiness Index. In less than 12 years, Estonia's GDP grew by 4 times from 5.67 billion USD in 2000 to 24.47 billion USD in 2013.

²<http://mashable.com/2012/07/06/internet-human-right>, retrieved on 29 June, 2016

³World Bank: Internet Users (per 100 person), 2014.

⁴ Tiger leap program was launched in Feb, 1996 by Estonian President Lennart Messi to adjust the education system to the needs of rapidly evolving information technology by equipping schools with modern information and communication technology, linking schools to internet, providing ICT education to teachers, promoting development of teaching/learning software etc.

⁵ EstWin is project undertaken by Estonia to make 100Mbit/s wideband internet accessible to every citizen of Estonia by 2015.

In 2013, over, a fourth or 27% of services exported by Estonia were ICT based amounting to 1.48 billion.⁶

Most Estonian and world researchers, academicians and general citizens believe that the quality of life in Estonia has improved as the country implemented and the necessarily ICT measure that transformed a crumpled post Soviet country into highly advanced digital society⁷.

Mark Zuckerberg (CEO) of Facebook, said in his U.N. address that it is the obligation of International human rights laws and government around the world to make internet accessible to everyone. In his view ensuring everyone has access to internet is the study way to achieve global justice. According to him "Internet can solve the world hunger as well as extreme poverty⁸."

But not everyone agrees with the arguments of making internet access as human right. Vint Cerf so called "father of internet" and vice president at Google argued in New York Times editorial that internet access is not human right.

Indeed, even the U.N. report, which was widely hailed as declaring internet access human right, acknowledged that the internet access may be a civil right, defined as a right which is "conferred upon us by law" he says that while US has never decreed that everyone has a right to telephone, we have come close to this with notion of "Universal Service"- the idea that telephone service must be available even in most remote regions of the country. When we accept this idea, we are edging into the idea of internet access as a civil right, because ensuring access is policy made by government". In counter argument to this amnesty International argues that " this is a exceptionally narrow portrayal of human rights from legal and philosophical perspective". Moreover his means versus ends characterization of rights is philosophically incoherent, for while access to physical town square may not be human right in isolation, it has always been for most inseparable from right to association and expression.

So, applying the same logic, internet access is inseparable from freedom of expression and its lesser spotted cousin, freedom of access to information.

⁶ World Bank-GDP ranking 2014.

⁷[http://muftinternet.com/countries-with-right-to-internet-access-as-human-right/links to specific right](http://muftinternet.com/countries-with-right-to-internet-access-as-human-right/links-to-specific-right), retrieved on 30 June,2016

⁸ <http://www.entrepreneur.com/article/251942>

Mathew Ingram on Gigom makes the practical point that not defining internet access as human right or civil right "makes it easier for governments to place restrictions on access or even shut it down entirely". The statement raises a question whether Internet access can be recognized as absolute human right or complete ban is possible.

Interestingly in Regina vs Smith and others U.K. of appeal ruled that internet was an "essential part of everyday living" and therefore a complete ban on use in this case would be disproportionate. However, full internet bans have occasionally been permitted. In AM vs. Secretary of State for the Home Departments case Mr. Justice Silber ruled that a full internet ban placed upon a terrorist suspect subject to a control order was lawful.

We can say that internet access will remain a qualified right. That is it can be restricted but only if the restrictions is provided for by law and necessary/proportionate in a democratic society, unlike for example the absolute restriction on human and degrading treatment. So far as India is concerned, No law has been passed to recognize access to Internet as human right or civil right. Though Mark Zuckerberg visit has created much rucksack on this issue but nothing concrete has materialized. We have to wait for a while to find out what will be the position of right to internet access in India.

To conclude, we can say whether or not internet access is a human right in its own respect the internet provides the gateway to other freedoms, notable free expression and the right to family and private life and therefore access to can be practically, inseparable from right themselves. It is highly unlikely that internet access will ever attain a status of an absolute right.