

The Digital Divide and Human Rights - What the EU should do at the World Summit on Information Society, 2005

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Introduction

The end of the twentieth century gave rise to a phenomenal acceleration in technological development. Growing alongside the inevitable march of globalisation, technological development became solely the domain of wealthy industrialized countries no longer. Its reach has been felt on every continent. Despite this growing technological literacy, however, society's discourse on technology has actually been quite limited. It is not enough to know "technology" simply as a series of objects. We must understand that perhaps the most important aspect of technology is its relationship to society: it is we who conceive it, develop it, and ultimately decide to what end it will be put to use. As a fundamental part of societal discourse, we must question how the international community has reacted to technology. Will technology simply become yet another economic mechanism for transferring capital from poor to wealthy? Or does it have a liberating potential at a very human level? This article argues that the accessibility of information technologies is indeed a human right, rooted in the Universal Declaration of Human Rights, and in Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Furthermore, the next meeting of the World Summit on an Information Society, in 2005 in Tunis, presents an excellent opportunity for the European Union, comprising some of the world's most developed countries and the greatest source of aid to integrate technological initiatives into its policies of poverty eradication and sustainable development.

Globalisation and the Digital Divide

Globalisation became a human rights issue because of the increasing gap between rich and poor. The former UN High Commissioner for Human Rights, Mary Robinson, points out that the "backlash against globalisation has come about, first, because its benefits and opportunities have been so highly concentrated among a relatively small number of countries and are spread unevenly within them". [\[1\]](#) As information technologies, particularly computers and the Internet, give access to more information to millions of people, they have also made access to information more difficult for millions. The parameter and extent of this paradox represents one aspect of this overall gap between rich and poor, the gap between information rich and information poor, now referred to as the digital divide. [\[2\]](#)

A human rights approach to globalisation and the digital divide begins with determining how to bridge the overall gap between the rich and poor and addressing existing contradictions between the rights and freedoms guaranteed on paper and the accessibility of those rights and freedoms in practice.

International Standards

The Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) proclaim the freedom of everyone without discrimination to enjoy access to information. The majority of countries have ratified and accepted the duty to guarantee this freedom by signing the ICCPR. [\[3\]](#) Freedom of expression as a right includes "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".

It is worth noting that the right of access to information incorporates future information media because it is guaranteed 'regardless of frontiers' and 'through any other media of his choice'. [\[4\]](#) Therefore, even though the Internet as an information and communication medium was invented decades after the ICCPR was written, it is evident from its language that the Covenant extends to the Internet.

The modern, revolutionised structure of the world information society creates the need to guarantee access to information online, freedom of information online, freedom of expression online, and freedom of association online for all.

On a global scale, these rights of access are among the most denied of all, since most of the world's population does not have access to the most basic of modern technologies. All of the positive contributions of the Internet manifest themselves after the technology is accessible and the population has learned how to use the technology at least on a very basic level. Whether it is the specific lack of appropriate infrastructure, or locally relevant content, or capacity, the overall lack of accessibility to information media creates one the biggest dilemmas the technology faces. If the

Internet can be accessible to people then the benefits are limitless. However, the technology currently has not been very accessible outside of developed countries and the world's elite.

International Debates on Information Divides: Geneva 2003

The last formal international debate on a more inclusive information society was held in the late 1970s and early 1980s over the call for a New World Information and Communication Order [NWCIO]. [\[5\]](#) The aim then was better distribution and allocation of the world's information resources. However, the polarisation and the irreconcilable differences of the international community during the Cold War prevented any consensus being reached. [\[6\]](#) The ITU World Summit on an Information Society [WSIS] represents a new round of global debate on how to create a more inclusive information society. The Summit's main aim is "to develop a common vision and understanding of the Information Society and to draw up a strategic plan of action for concerted development towards realising this vision". [\[7\]](#) The first phase was designed as an agenda setting event in order to identify the primary domains needed to build an open and inclusive information society. The 2003 meeting of the World Summit in Geneva brought together 11,000 participants from more than 150 countries organisations, civil society representatives, and the private sector.

On 12 December 2003, after completing the first phase of the Summit, the WSIS adopted a non-binding Declaration of Principles and Plan of Action ("the 2003 Declaration"), constituting the basis for all members of the United Nations to have a "common vision of understanding of the Information Society". [\[8\]](#) The Declaration asserted the solidarity between states against the Digital Divide and stressed the importance and potential for the use of Information Communication Technologies in development. It advocated the need to take a decisive role in the development of legal regulatory frameworks which create competitive environments and stressed the importance of intellectual property protection, as well as the need to devise strategies at all appropriate levels. It recognised that Article 19 of the Universal Declaration of Human Rights was at the foundation of an accessible and inclusive Information Society. [\[9\]](#)

Reflecting these principles, the WSIS's Plan of Action stresses the need to look at ways and means for the promotion of a stronger role for civil society and the private sector, while underlining the importance of governments as political decision makers. Most importantly, the Plan's recommendations need to be supported by concrete targets, timetables, and allocated resources which aim for the achievement of sustainable development and agreed development goals, as contained in the Johannesburg Declaration and Plan of Implementation and the Monterrey Consensus, and other outcomes of relevant United Nations Summits. [\[10\]](#)

The major criticisms of the first phase of the WSIS have stemmed from the lack of political commitment reflected in the vagueness of the 2003 Declaration. The plan of action identified ten broad domains of interest including: the role of governments and stakeholders in the promotion of Information Communication Technologies [ICT] for development, information and communication infrastructure, access to information and knowledge, capacity building, building confidence and security in the use of ICTs, ICT application: benefits in all aspects of life, cultural diversity and local content, media, ethical dimensions of information society, and finally international and regional cooperation. [\[11\]](#) Nothing concrete was decided and no action will be taken until 2005.

The vagueness of the 2003 Declaration of Principles and Plan of Action in addressing the digital divide does not prevent substantive contributions from being made in the 2005 phase of WSIS. Developed countries which already have an established information society must in this next year support concrete action and mobilise resources to support concrete goals, targets, and timetables for the world's marginalised to become truly incorporated into this 'world information society'.

Governments and civil society alike can develop and implement proactive and integrated responses to the criticisms made of the first phase of the WSIS. States must come to Tunis prepared to address the effective implementation of all the universal human rights standards needed to achieve a more inclusive information society. In the case of the European Union, it must also bring with it its commitment to sustainable development, including its commitments made at the World Summit on Sustainable Development in Johannesburg. [\[12\]](#)

EU Priorities for WSIS Tunis 2005: A More Integrated EU Strategy and the Importance for Human Rights

The EU and its member countries and other participating regional bodies and governments as well as the private sector and civil society have set out to make proposals on the governance of the Internet. These proposals identify the public policy issues to be reported on in the second phase of the WSIS to be held in Tunis 2005. [\[13\]](#) The EU has chosen to concentrate its attention on the formulation of information society policies with specific focus on: EU

coordination, Internet governance, and financing. [14] Although these elements are relevant, the EU should not dismiss the need to incorporate its existing human rights and sustainable development commitments into its WSIS contributions.

The European Commission wrote a follow up report to the 2003 WSIS Declaration of Principles and Plan of Action, stressing the need for working groups to look at new ways of mobilising existing mechanisms and programmes for further research and education. [15] This integration of other relevant policies provides the EU an opportunity to create a policy which harmonises information and digital inclusion with international human rights standards, and development agendas.

As part of its effective implementation of these strategies, the EU should utilise and incorporate appropriate aspects of the programmes and policies initiated as a result of its previous participation in the World Summit on Sustainable Development (WSSD). [16] The EU's energy initiative for poverty and sustainable development is particularly relevant considering that one of the most common limitations to access stems from ... lack of electricity! Since renewable energy like solar energy provides decentralized access to electricity, this EU initiative can enable the ability to leapfrog over other infrastructure problems associated with creating access to the Internet, including telecom infrastructure. Thus, as one example, sustainable energy policy should be interlinked and incorporated into the working groups on accessibility of information media.

The Commission's report stressed the need for EU coordination as well as improving existing mechanisms. A potential example of this coordination would be to build on the experiences of the EU's Energy Initiative for Poverty Reduction and Sustainable Development formed in 2002 after WSSD. [17] The integration of these already established sustainable development initiatives with information society strategies enables partnerships across and between regions. [18] In addition, these forms of collaboration can provide a model for how to integrate aspects of human rights, poverty eradication, sustainable development and information communication technologies in a way that mutually reinforces each other individually as well as collectively.

Both WSSD and WSIS recognised the link between poverty, sustainable development and human rights. With the EU's active participation and commitment to both principles and plans of action, it has a great opportunity to integrate already existing mechanisms and programmes.

The strength of these individual initiatives on human rights, sustainable development, poverty reduction, and inclusive information society policies will come from their ability to be mutually enriched and reinforced. The EU's promotion of human rights, sustainable development, and ensuring a more inclusive information society present an opportunity for the EU to strengthen its protection and fulfilment of all these individual areas through collective integration and reinforcement. With this integrated approach, the EU's participation and leadership at the WSIS in 2005 can act as a point of pressure for other countries and regional bodies to follow suit.

Footnotes

[1] M. Robinson, *Ethics, Human Rights and Globalisation. Second Global Ethic Lecture*, The Global Ethic Foundation, University of Tübingen, 21 January 2002. Available at:

<http://www.unhchr.ch/huricane.nsf/view01/0ACCB4D658E5FB2FC1256B4900495A36?opendocument>.

[2] A very good Digital Divide study and survey was done by an organisation called Bridges.org:

<http://www.bridges.org/spanning/chpt2.html>.

[3] Article 19 states:

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 reputation of others;
 - b. For the protection of national security or of public order (*ordre public*), or of public health, or morals.

[4] ICCPR, art. 19.2

[5] Leaders from developing countries called for a new world information order, giving rise to a UN General Assembly Declaration of the Establishment of a New International Information Order in 1974. In 1976, a group of more than 100 developing countries worked to develop and articulate the substance of this new order in UNESCO's

International Commission for the Study of Communication Problems, commonly referred to as the MacBride Commission. In the 1980 Belgrade General Assembly, the MacBride Commission submitted the report *One World, Many Voices*, which articulated a detailed description of a new world communication and information order. See Sean MacBride, *Many voices, One World: Towards a new more just and more efficient world information and communication order* / International Commission for the Study of Communication Problems, Paris: UNESCO, 1980. UNESCO/ICSCP(063.2)/C6.

[6] For further reading, W. Fore, “A New World Order in Communication” in *Christian Century*, 14 April 1982, pp. 442-479; Muhamma I Ayush, “International Communication and the Third World: Implications for the Third World” in *International Affairs* (Royal Institute for International Affairs), Vol. 68, No. 3, p. 488.

[7] The World Summit on an Information Society’s Official Website, <http://www.itu.int/wsis/>.

[8] UN GA Res. 56/183 on the WSIS adopted in January 2002.

[9] WSIS, *Declaration of Principles. Building the Information Society: A global challenge in the new Millennium*, 12 December 2003, WSIS-03/GENEVA/DOC/4-E, Section A4.

[10] WSIS, 2003 Plan of Action.

[11] WSIS, 2003 Plan of Action, Section C.

[12] Nine main commitments were identified in the Commission of European Communities Report. One of these commitments was for 'further development and implementation of the Unions 'Water for Life' and 'Energy for Poverty Eradication and Sustainable Development'. For the other eight commitments please see the online version of the report at: http://europa.eu.int/eur-lex/en/com/cnc/2003/com2003_0829en01.pdf.

[13] WSIS, 2003 Plan of Action, Section C-F.

[14] Commission of the European Communities, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. , Towards a Global Partnership in the Information Society: Follow-up of the Geneva Summit of the World Summit on Information Society (WSIS)*”, Brussels, 17 February 2004, COM (2004) 111 Final.

[15] Ibid, Section 3.1.

[16] The WSIS 2003 Plan of Action aims to advance the internationally agreed development goals of the Johannesburg Declaration and Plan of Implementation as well as the Millennium Declaration Goals.

[17] The main aim of this initiative is to facilitate the achievement of the Millennium Development Goal [MDG] of halving the number of people in extreme poverty and other MDGs by 2015, through the provision of adequate, affordable sustainable energy services. The initiative is led by user needs and involves a wide spectrum of stakeholders including donors, financing, organisations, private sector, and civil society.

[18] Already this initiative has made over 13 regional and 20 public-private partnerships.