

Information and Communication Technologies as Human Rights Enablers

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“We, the representatives of the peoples of the world, assembled in Geneva from 10 to 12 December 2003, for the first phase of the World Summit on the Information Society, declare our common desire and commitment to build a people-centred, inclusive and development-oriented Information Society, where everyone can create, access, utilise and share information and knowledge, enabling individuals, communities and peoples to achieve their full potential in promoting their sustainable development and improving their quality of life, premised on the purposes and principles of the Charter of the United Nations and respecting fully and upholding the Universal Declaration of Human Rights.”

(Article 1, Declaration of Principles, adopted 12 December 2003 in Geneva).

“Unlike the French Revolution, the Internet revolution has lots of liberty, some fraternity and no equality.”

(Shashi Tharoor, the UN Under-Secretary-General for information and communications).

Information and communication technology as global policy

The World Summit on the Information Society (WSIS) held in Geneva in December 2003 was announced as the single most important political event dedicated to the Information Society since the European Commission came up with the phrase in the mid-1990s. [1] Approximately 60 Heads of State and 110 Government and senior ministers from around the world agreed on a common Declaration of Principles governing the global information society (hereafter, “the 2003 Declaration”) and a Plan of Action to guide countries in its implementation.

Despite the disputes that characterised the months leading up to the Summit – which would cost Switzerland EUR 10 million to host – one overwhelming message was agreed on by everyone involved: better access to information brings genuine benefits.

The 2003 Declaration might be seen as the first “Constitution” for the information age, aiming to use the Internet and other forms of technology as a tool to improve life for billions of people around the globe. Together with the Action Plan, although not legally binding, the 2003 Declaration signals a political will to achieve concrete goals, such as ensuring that more than half of the world would have access to the Internet, telephone or some other form of electronic media by the year 2015. [2] More importantly, the Summit specifically stressed that the development of the information society must be based on the human rights framework, and should respect and uphold the standards laid down in the UN Charter and the Universal Declaration of Human Rights. [3]

The vision articulated by the 2003 WSIS also stresses that human rights are universal, indivisible, interrelated and interdependent, as reaffirmed in the 1993 Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights. [4]

Consistent with this, governments should not only foster the information society as a means of promoting the Millennium Development Goals, but also ensure that the information society contributes to the promotion of and respect for all human rights – civil, cultural, economic, political and social. Furthermore, human rights standards require governments to ensure that the information society does not result in discrimination or deprivation of these rights. The principle of non-discrimination demands universal access by all to information and services as an overall goal. [5] All individuals, communities and peoples should be able to take part in the future Information Society.

At the 2003 WSIS, civil society groups [6] as well as the UN High Commissioner for Human Rights stressed that information and communication technologies (ICTs) must not be seen as a mere means of exchanging and disseminating information, but as crucial tools to improve the enjoyment of human rights, such as freedom of expression, access to information, privacy, the right to an adequate standard of living, education, health and development. [7]

Negative impact of ICT on human rights

As well as positive elements, the 2003 WSIS acknowledged that the information society can have a potentially negative impact on human rights. Several trends that characterise the development of the information society today represent challenges to, and in many instances serious dangers for, the **human rights-based** information society.

Rapid advances in surveillance and security measures, especially in the post-September 11 environment, can have a chilling effect on freedom of expression and association, and new technologies can also be used to restrict access to

information. The fact is that Internet censorship is already common practice in many countries, and free access to information is something that is seen as a political threat by many states.

At the same time, and with due regard to freedom of expression, governments have a legitimate interest in seeking to prevent the dissemination of hate speech and racist expressions, as well as other abuses. Content considered illegal offline is clearly also illegal online, hence the Internet is not a legal vacuum but must comply with the standards to which we subject information in the physical world.

Yet another major challenge relates to the right to privacy. Current regulation, as reflected in the 2003 Declaration, has a strong focus on state security. It pays little attention to threats which the right to privacy faces in a digital environment, where personal information increasingly is being accessed, stored and exchanged between state authorities or even private parties, in the name of security.

Other worrying trends include the commodification of information and knowledge, and the growing concentration of ownership of and control over the means of accessing and disseminating information. A rich public domain is an essential element of the information society as a reservoir of knowledge, learning and exchange; hence, regulating information as a commodity could run contrary to some of the basic potentials of using ICTs to enhance access to, and sharing of, information. A pertinent point to be mentioned here relates to the lack of inclusiveness and meaningful participation by all in the information society, including participation by civil society organisations. If the information society is genuinely to contribute to human development and to the realisation of human rights for all, access to information and to means of communication must increasingly be seen as a public good to be protected and enforced by the state. This raises particular challenges in societies still in the early stages of development. In poor countries, the key challenge – besides providing the basic infrastructure, protecting the public domain and ensuring access to information – is setting in motion capacity-building initiatives designed to empower individuals and communities. Building capacity is crucial for less-developed countries, where resources are often limited, and where access to information and means to voice concerns to the global community are real enablers in the daily work. States must not only support basic literacy, media and ICT skills, but also strengthen the ability to find, appraise, use and create information.

ICT in relation to civil society

The last decade has seen an increase in creation and the use of websites and portals specifically for providing systematic and reliable information on human rights globally, as well making widely available the key human rights documents.

The staff of most human rights organisations all over the world know and regularly use such key sites as the UN Treaty database at: <http://www.un.org>, and especially the website of the Office of the High Commissioner for Human Rights at: <http://www.ohchr.org>, both holding comprehensive and well-structured UN documents collections. The resources comprise not only all the main international treaties and declarations, but also reports and decisions from the UN Charter bodies (such as the General Assembly and the Human Rights Commission, including country reports and thematic reports by Special Rapporteurs' and working groups). Furthermore, documents by various complaint and reporting mechanisms under the UN treaties are also collected, resulting in a vast body of human rights materials.

Another key portal is the University of Minnesota Human Rights Library, [8] which since its establishment in 1995 has grown to be recognised as one of the most comprehensive portals for human rights documentation at the international, regional and domestic levels. It also includes links to websites of hundreds of organisations and bodies worldwide. [9]

The existence of such gateways is particularly important to those segments of human rights communities based in the developing countries, as it is there that alternatives must be found to conventional libraries and “hard copy” documentation facilities. (The latter are often simply not available, or in many cases only poorly updated.)

The National Human Rights Institution (NHRI)

ICT's potential to facilitate networking and cooperation can empower in a number of important ways both civil society organisations and independent, although government-funded, national human rights institutions (NHRI). These bodies play an important role in reaching out to civil society to build capacity in the non-governmental sector. One example, which can be considered “good practice”, since it also includes as its target group institutions and individuals with low IT capacity, is the National Human Rights Institution Forum. [10] It is a portal, established in 2001 and funded by the Office of the High Commissioner for Human Rights in Geneva, in collaboration with the

Danish Institute for Human Rights in Copenhagen. The Forum is specifically aimed at national human rights institutions across the globe.

The portal makes available, in a systematic form, all types of documents related to national human rights institutions at the global, regional and national levels, including conference documents, research and literature overviews, case law databases, as well as other key documents that otherwise would be unavailable or very difficult to access. It also provides links to websites of individual institutions, some of which have even been established free of charge under this framework (the agreement between OHCHR and the Danish Institute). The portal supports and facilitates the flow of information, through news and interactive fora, from the national to regional to global levels, in order to influence decisions on these levels. Last but not least, the portal bridges national human rights institutions and regional networks, facilitating their bilateral communication, as well as providing a window to the “outside world”. In just few years of its existence, the NHRI Forum has managed to establish itself as the leading global portal, with over 10,000 sessions per month with users coming from all over the world, including from developing countries. It is a good example of how the intelligent use of ICTs as a platform for information exchange and communication can strengthen and empower human rights networks. Importantly, the Forum has particularly helped national institutions with limited resources, in its own way bridging the digital divide.

Conclusion

A crucial challenge, if the promising intentions of the 2003 World Summit of the Information Society are to be more than just lip service, is to ensure that the development of the information society will be based on the human rights framework, not only through formal commitment but through meaningful and effective implementation. This requires active state intervention to protect, respect and uphold the standards laid down in the United Nations Charter and the Universal Declaration of Human Rights, just as stated in Article 1 of the 2003 WSIS Declaration of Principles:

[O]ur common desire and commitment to build a people-centred, inclusive and development-oriented Information Society, ... premised on the purposes and principles of the Charter of the United Nations and respecting fully and upholding the Universal Declaration of Human Rights.

An important part of effective implementation would be to ensure equal and affordable access to information, to guarantee freedom of the means of communication, and not in the least to help build the necessary ICT capacity for all.

Footnotes

[1] Three documents from this period were significant in setting the information society agenda. *One was White paper on Growth, Competitiveness and Employment* (December 1993), the second was the 1994 report of the Bangemann High Level Expert Group (*Europe and the Global Information Society: Recommendations to the European Council*) and the third was the follow-up 1994 Action Plan (*Europe's Way to an Information Society: Action Plan*).

[2] See Plan of Action, Section B, 12 December 2003.

[3] See: <http://www1.umn.edu/humanrts/instree/auncharter.html> and <http://www1.umn.edu/humanrts/instree/b1udhr.htm>. The affirmation of the Universal Declaration of Human Rights and the UN Charter is explicit in Article 1 of the 2003 WSIS Declaration of Principles, adopted on 12 December 2003 in Geneva.

[4] The Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 in Vienna, available at: <http://www.ohchr.org/english/law/vienna.htm>.

[5] The Universal Declaration of Human Rights reaffirms and expands the principle of equal rights and non-discrimination stipulated in the UN Charter. The principle of non-discrimination has been confirmed by subsequent human rights instruments such as the Convention on the Elimination of Discrimination against Women (CEDAW), and the Convention on the Elimination of Racial Discrimination (CERD).

[6] Civil society groups, which participated in the preparations for the 2003 WSIS, presented their own Declaration “Shaping Information Societies for Human Needs”; it is now an appendix to the official 2003 Declaration.

[7] See “Information Society must uphold human dignity, recognise human rights as guiding principles, acting rights chief tells Geneva Summit”, Statement by Bertrand Ramcharan, acting High Commissioner for Human Rights, 11 December 2003, Geneva.

[8] See: <http://www1.umn.edu/humanrts/>.

[9] User statistics are available at: <http://www1.umn.edu/humanrts/info/statistics.htm>.



[10] See: <http://www.nhri.net>. The website is hosted and maintained by the Danish Institute for Human Rights.