

## **Internet and Human Rights**

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### **Abstract:**

We have been going through a social transition period since the attack of COVID 19. In last two and half years, we have realized that internet has suddenly taken the center stage in our everyday lives. Our education system is dependant on internet service and so our professional life, day to day shopping, multiple bill payments and all. We all need access to secured and reliable internet service nowadays irrespective of our nationality, socioeconomic status etc. Keeping these very practical conditions, the UN Human Rights Council has adopted a resolution on **“the promotion, protection and enjoyment of human rights on the Internet”** recently and here our discussions begin. I will focus on **the actual meaning of human rights and its variations (legal human rights and natural human rights)**. At the same time, I will try to evaluate the concept of **right to internet usage too**. We will see how internet usage is a case of **human rights violation and why the UNHRC is concerned about it now**. But our prime focus is to understand **whether the interest of having internet can be brought under human rights law or not!**

Keywords:

**Human rights. Human rights violation. Internet service. United Nations. Natural rights. Legal rights. Encryption. Digital security.**

## **Introduction:**

On the day of 13<sup>th</sup> of July in the year 2021, the United Nations Human Rights Council accepted a resolution on “**the promotion, protection and enjoyment of human rights on the Internet**”. This was led by a group of countries that include Brazil, Nigeria, Sweden, Tunisia and the United States, and co-sponsored by 70 countries all over the globe. This was the fifth resolution under the same title and the first one was adopted in 2012. But what triggered the requirement of this fifth resolution? The answer is COVID19.

Yes, this COVID situation has made internet connection a mandatory part of our lives. We need internet today for children’s schooling, ordering life saving medicines online, organizing online meetings, organizing webinars and so many other important aspects of life. But there are many social and economic differences in our society that is restraining several groups of people from availing internet to meet their basic needs.

Considering this real fact of discrimination, the importance and priority are given on expanding internet access and affordability. The apex concern of the moment is affordable and trustworthy internet connection to all.

The UN Human Rights Council also observes that in multiple cases in maximum countries, the internet service is controlled by the government, specially during any socio-political unrest. Apart from it, sudden shutdown or any other kind of censorship have been condemned by the organization and it preferred natural and smooth flow of information and the opposite practice actually violates right to freedom of expression that comes under the umbrella of human rights.

Another important aspect of this resolution is “internet neutrality”. They maintain that there must not be any kind of discrimination to access any type of information on the basis of region, service provider, monetary concern etc. Everyone should be able to access any information from any part of the world without any difficulty.

The most important and relevant observation of was privacy policy in the arena of internet usage. UN Human Rights Council observed that the priority should be given on the features of “encryption and anonymity”. It is very crucial to secure life of each

**and every citizen of any country and enable them to express their opinions fearlessly. All kinds of digital activities must be encrypted and anonymity should be maintained too.**

**A survey was conducted in twenty countries in 2012 by the Internet Society and they found that 83% of respondents (10,000) supported the concept “internet accessibility must be considered as basic human right”.** But to discuss this concept in detail, we need to understand the actual meaning of human rights.

## **Natural & Legal Human Rights**

Human rights are those rights that are considered universal and that belong to all people. These include the freedom from discrimination, torture or other severe forms of human punishments, slavery and servitude. Human beings also have certain fundamental rights that should be respected by everyone regardless of gender, ethnicity or social status.

There are many layers of human rights - civil rights, political rights, economic rights, social rights, cultural rights, and so on. Though all rights generally seem to be different from each other but all are interconnected by any how as human life's all dimensions can't be differentiated ever. A life gets fulfilled by all the dimensions and that combination makes a life complete.

The concepts of human rights represent an essential foundation for the advancement of social and economic justice, recognizing the inherent dignity and rights of all people. The Universal Declaration of Human Rights is an international declaration adopted by the United Nations General Assembly on December 10, 1948 that sets forth fundamental freedoms for all people without distinction or discrimination on account of race, sex, religion, political opinion or national origin.

Human rights are universal and inalienable, including freedom of thought, conscience, religion and belief; freedom from slavery or servitude; the right to nationality; the right to self-determination; non-discrimination; equality before the law; access to public property, education, employment and health care; protection against human trafficking; prohibition of slavery and forced labour.

A legal right is an interest accepted and protected by law. Also, any debasement of any legal right is punishable by law. Legal rights affect every citizen. Legal rights are equally

available to all the citizens without the discrimination of caste, creed & sex..All citizens have equal rights in the law and everyone is equally protected from any kind of discrimination in them.

An individual's legal rights are important as these affect his life in every way. These rights include: Right to own property, Right to life and liberty, Freedom of movement and speech, Right to privacy and freedom from discrimination, freedom of speech or expression etc

**Natural** human rights are those that exist independently of any government promulgated laws. They are inalienable and cannot be forfeited by the individual by simply breaking the law. The rights covered under this include life, liberty and property.

Natural rights are the rights that we all possess because they are an extension of our humanity. They cannot be taken away by any government or culture, and they are universal, fundamental and inalienable (because they're not dependent on any human customs).

A natural right is a right that exists, independent of any government or other human institution. Natural rights refer to things such as the right to life, one's own inheritance, and freedom from slavery. The idea of natural rights is in contrast to legal rights, which are only considered real when they have been granted by a ruler or statute.

Natural rights are rights given to us by nature. Examples of natural rights include the right to life, liberty and pursuit of happiness. These can be infringed only if another person's rights are infringed in such a way that it unjustly endangers their life or liberty, or impairs their pursuit of happiness.

Natural rights are universal, integral and unalienable. This means that they exist in a separate sphere of human existence, independent of the state and not dependent on it. They are innate, instinctive and individual while at the same time they defend all mankind as a whole in the name of its members.

We can clearly say from above discussion that we can't say, getting access to internet is a natural human right as it is not fundamental properly. Natural rights are supposed to be universal and it doesn't hold any time boundary. We can't say that our ancestors had wished for having right to internet and on the other hand, we can't claim that our future

generation will fight for the same because there will be much higher technology by that time. So, it doesn't make any sense to claim that having internet access is a natural right.

But we can definitely claim that having internet must be a legal human right in today's time. Either natural rights do exist or they don't exist, there is nothing to create or customize there but in legal human rights, we can do it. Construction of legal rights is in our control. The good part is, we decide or make legal human rights unlike natural human rights where we just discover an existing one.

### **Legal Rights Are Not Natural Rights**

It is believed sometimes that legal rights are actually natural rights by its origin but those have been termed as "legal human rights" after getting legal touch. Actually the concept of legal human rights is more wider and specific than natural rights. Natural rights are We can take an example - Universal Declaration of Human Rights holds the right to nationality and forming or becoming member to a trade union. Both the concepts can't be included into natural rights as both are contingent. But this doesn't confirm that these both can't be termed as legal human rights. Actually legal and natural rights are not similar in nature and both are not identical too. Natural rights hold moral grounds and on the other hand, legal rights has legal claims only.

Legal rights are always changing with time and it is different in different societies, countries, time etc. But natural rights don't have this kind of limitations. At the same time natural rights are universal. These are not dependant on any government or organization to become existent. Natural rights are eternal. Though we differentiate both the ideas - natural and legal rights, but both right have a common ground - all the humans have these fundamental interests. For example, nationality is a legal interest but it is not a fundamental one as there was not the concept of nation from the beginning and there might no be existence of nations in future too but now it is very useful right as one's identity is dependant on it.

Without a fixed nationality one can't have a passport and that particular person can't move to somewhere without a passport. Here at this situation, the absence of this legal right is creating barrier in front of natural right because moving freely as per own will is a natural right to all human beings irrespective of gender, race, communal identity, financial status or social status etc. Moving or shifting to places is a natural right and natural practice of

human race from the very beginning so it can not be violated at any condition. So, here we can witness that though both the concepts, natural and legal rights, are different in its origins and characteristics, they are interrelated in practical life and both can't be overlooked or suppressed.

### **Human Rights And Internet Accessibility:**

As I discussed about multiple dimensions of a human life earlier, we will see how internet accessibility is related to those above mentioned rights.

**1. Civil rights and internet:** Civil rights include rights to life, security, liberty etc. Using internet and expressing own opinion on internet bring life threats to many in society, specially in political era, but one must have right to expression and he/ she must get security from the state and that person deserves the right to live a life as per own wish.

**2. Political rights and internet:** One of the most important features of political rights is equality before law. A person must have equal accessibility to internet irrespective of his/ her nationality, sex, race, socioeconomic status etc. There are many parts of this world where discrimination is witnessed.

**3. Economic rights and internet:** Economic rights include rights to work, own property and to get equal pay. This internet service has opened a new horizon in this particular sector as any person can earn money by working for foreign clients staying at own country and can get equal amount of money as others are getting around the globe. So internet accessibility empowers a person to have his/ her economic rights strongly.

**4. Social rights and internet:** The most vital right in the segment is rights to education. With the help of internet, even a student of a village from a third world country, can get education of the premium standard. Apart from this, one can avail several professional or vocational training too along with school and college level education.

**5. Cultural rights and internet:** Like any other opportunities, anyone can participate and organize cultural programs and get connected to each other culturally and emotionally also despite staying far away geographically. It is a right of all human beings to participate in cultural community freely. Internet enables it very well.

## **Conclusion:**

Now the actual question arises, can we consider internet access a legal right? It is beyond dispute and question that internet has become an integral part of everybody's life. From one angle we can say that having internet is a natural right as it is the prime platform in today's world to express one's opinions and delivering own speech. And it is directly associated to freedom of speech that is a natural right since the existence of human civilization. Another natural or basic right of humans is right to get information and here also internet is the prime source of any kind of information now.

Many argue on this particular topic that one can express himself/ herself in many other ways like through the help of newspapers or magazines, or gathering somewhere and deliver own speech or exchange views. Yes, these can be done as these had been practiced traditionally but when internet has become another option and most importantly the only option with the help of which one can express own opinion before the whole world almost at zero money. So here the question is not the way or path only, here another important point comes in - adequacy. Yes, when someone is restricted from gathering information and expressing himself/ herself in all possible and available ways, that person is not getting adequate opportunities and he/ she is deprived in this way. This practice goes against the concept of right to equality. When some people are getting opportunity to express themselves and getting information on the altar of internet and another part of the society is not allowed to avail it, the process immediately violates the concept natural or basic right of equality. Right to equality is a legal right also which is ensured by constitution, so the previously mentioned process is straight case of legal right violation too. So, we must say that having right to access internet should be made a legal right otherwise people can be deprived socially at any stage.

There is another aspect related to internet and human right - right to security and privacy. Privacy is a very important right of all human being and citizens' social and life security are state's responsibility. When anyone uses internet now, many organizations or institutions gather personal information of users when they visit particular organization's website or use their application and in this way those organizations grab all the personal data and information of that particular consumer. There are many possibilities of misuse of those data, so every individual must have right to privacy in the area of internet service.

Not only private organizations or institutions, government bodies also keep detail information and data of every individual sometimes and this is also an example of privacy violation. Even people's credit and debit card details are also kept by different websites and applications which is an alarming event.

Here we must mention Indian's **Information Technology Act, 2000** which secures privacy of every Indian citizen against digital forgery or malpractices. There are many levels and layers in internet and rights related to it as we observed here. There is no doubt about having right to internet in today's time. The right is a legal right obviously but implementation of this right ensures multiple natural right as well. Legal rights are subject to change but violation or suppression of natural right is a dangerous event in a civilized and advanced society or country. Situations will be better with time but all needs to work on it, specially the respective governments and specially human rights organizations to protect every kinds of rights of all humans around the world.

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