# HUMAN RIGHTS AND INTERNET GOVERNANCE



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#### WHAT ARE HUMAN RIGHTS?

- Rights inherent to ALL human beings rights that ensure that we live a life of dignity
- Born with these rights states merely regulate them
- Universal and inalienable

**Education**) Assembly) (Association) (Thought) HUMAN RIGHTS (Press) Movement) (Information) (Religion) Speech

#### WHERE CAN I FIND THEM?

- Guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law.
- International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.
- This is the minimum!

#### BILL OF RIGHTS

Universal Declaration of Human Rights

International Covenant on Civil and Political Rights

International Covenant on Economic Social and Cultural rights

A whole host of other treaties and covenants

#### HOW DOES IT APPLY TO THE INTERNET?

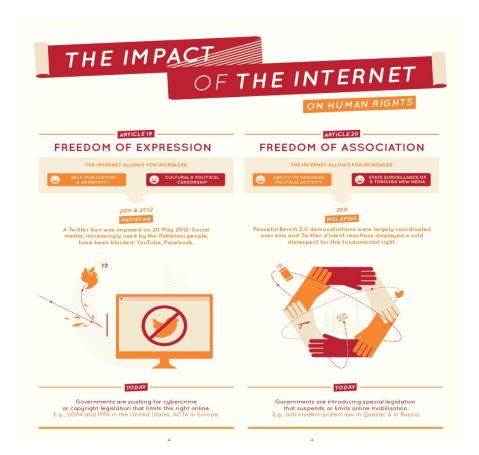
- [T]he same rights that people have offline must also be protected online
- On and through digital technologies and spaces
- Direct exercise and indirect impact:

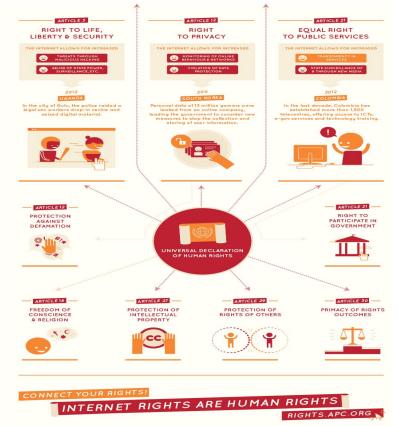
Example 1: E-commerce

Example 2: Internet shutdowns

Example 3: Sexual harassment online

#### Source: https://www.apc.org/en/pubs/impact-internet-human-rights-africa





#### ARTICLE 15 - ICESCR

The States Parties to the present Covenant recognize the right of everyone:

• • •

To enjoy the benefits of scientific progress and its applications

#### HATE SPEECH

# HINDUISM IS A BACKWARD RELIGION

## ROHINGYAS ARE INFILTRATORS - A THREAT TO OUR CULTURE - CRUSH THEM!

### RIGHTS BASED APPROACH

Where people and rights take the centre stage

It integrates the norms, standards and principles of the highest applicable human rights law and standards into the analysis, plans, policies and processes of human development and applies to all sectors, all modalities, and at each step.

#### THE WHO AND WHAT?

It treats <u>individuals</u> and <u>collections of individuals</u> as 'rights-holders' with legal entitlements, and government institutions as not mere service providers but 'duty-bearers,' who are under an obligation to deliver on peoples' rights. This also extends to <u>non-state actors</u> including corporations to refrain from infringing on the rights of others and playing a key role in ensuring that all rights can be enjoyed by all people. Therefore, states and other entities not only have the responsibility to protect the rights holders, they also have an active role to contribute to the <u>development of</u> the capacities of 'rights-holders' to claim their rights and 'duty-bearers' to meet their obligations.

#### PRINCIPLES

- Applying all rights
- Participation
- Non-discrimination
- Accountability
- Transparency
- Recognising of unequal power relations and exclusion

### HUMAN RIGHTS MECHANISMS

#### PLATFORMS AND PROCESSES

International: Human Rights Council; treaty bodies

Regional: Council of Europe; African Commission on Human and People's Rights; Organisation of American States

National: national human rights institutions and courts

#### NATIONAL

Strategic litigation

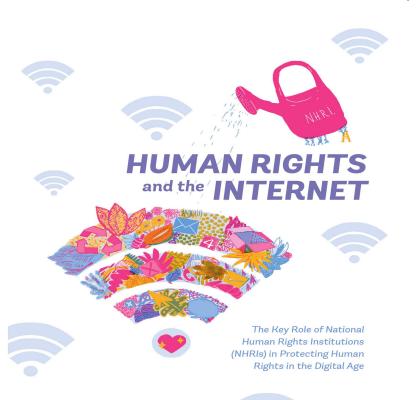
Engaging National Human rights Institutions

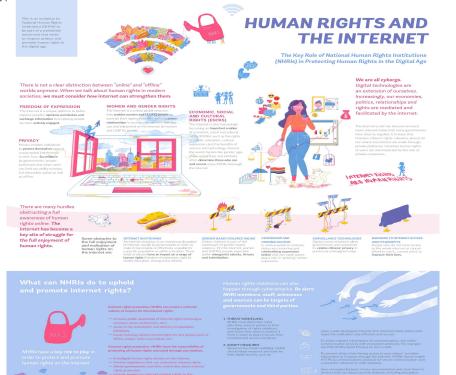
Sources:

https://www.apc.org/en/pubs/national-human-rights-institutio
ns-digital-spaces

#### SOURCE:

HTTPS://WWW APC ORG/FN/PIIRS/HILMAN-RIGHTS-AND-INTERNET-KEY-ROLE-NATIONAL-HILMAN-RIGHTS-INSTITUITIONS-PROTECTING-HILMAN-







#### UN HUMAN RIGHTS COUNCIL

- Check out: https://www.ohchr.org/en/hrbodies/hrc/pages/home.aspx
- Founded in 2006 based in Geneva
- 47 UN member states elected three-year terms on a regional group basis
- Resolutions: Human rights on the internet
- Treaty bodies
- OHCR
- Special Procedures
- UPR

#### AFRICAN STATE MEMBERS

Current Membership of the Human Rights Council, 1 January - 31 December 2019 by regional groups

COUNTRY	TERM EXPIRES IN
AFRICAN STATES	
Angola	2020
Burkina Faso	2021
Cameroon	2021
Democratic Republic of the Congo	2020
Egypt	2019
Eritrea	2021
Nigeria	2020
Rwanda	2019
Senegal	2020
Somalia	2021
South Africa	2019
Togo	2021
Tunisia	2019

#### TREATY BODIES

ICCPR Human Rights Committee

ICESCR Committee on Economic Social and Cultural Rights

CEDAW Committee on the Elimination of Discrimination against Women

CERD Committee on the Elimination of Racial Discrimination

CAT Committee against Torture

CRC Committee on the Rights of the Child

#### SPECIAL PROCEDURES

- https://www.ohchr.org/en/hrbodies/sp/pages/ welcomepage.aspx
- A whole range
- Annual and thematic reports (joint reports)
- Joint statements
- Communications
- What's the point?

#### UPR

It reviews the human rights record of each state according to the same parameters and procedures, whatever the human rights situation and the state's ratification or compliance with international human rights treaties. This interactive dialogue, where all UN member states have the opportunity to question and make recommendations to other UN member states, is an approach that is unique to the UPR process.

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#### RESOURCES

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UPR:
https://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx
UPR and Digital rights guide:
https://www.apc.org/en/pubs/using-universal-periodic-review-
human-rights-onlin
UP course:
https://advocacyassembly.org/en/courses/48/#/chapter/1/lesso
n/2
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UPR recommendations database: <a href="https://www.upr-info.org/en">https://www.upr-info.org/en</a>

#### DO AFRICAN STATES NOT CARE?

SuR	Rec Number	Recommendation	RS	Response	A	Issue	(
<b>)</b>	<b>&gt;</b>	<b>&gt;</b>	<b>&gt;</b>	>	<b>&gt;</b>		-
Finland +- WEOG EU	100.7	Strengthen the fight against xenophobia on social networks and the Internet	Algeria Africa AU, OIC, AL	Supported	4	Racial discrimination	3
Netherlands == WEOG EU	131.81	Investigate and prosecute racist and xenophobic discourse and incitement to hatred in the media and on the Internet by extremist politicians	Africa AU, OIC, Commonwealth	Supported	-5	Racial discrimination	3
Netherlands == WEOG EU	131.83	Take stricter measures to condemn and ensure accountability for all manifestations of intolerance, including in political discourse and on the Internet, and punish those who are involved in it	Egypt == Africa AU, OIC, AL, OIF	Supported	4	Racial discrimination	3
China Mana	N/A	Continue the spread of internet connections throughout the rural areas	Ethiopia == Africa AU	Supported	2	Development	2
Czechia 🔤 EEG EU	N/A	Set up national mechanisms to monitor, investigate, prosecute and punish incitement to and acts of hatred, intolerance, racism and xenophobia, including hate speech and racist and xenophobic acts committed on the internet and through political platform	Egypt Africa AU, OIC, AL, OIF	Supported	5	Racial discrimination	2
Finland + WEOG EU	N/A	Persevere in its efforts to prevent and combat xenophobia, in particular on the Internet	Morocco Africa	Supported	2	Racial discrimination	2
Finland +	N/A	Implement strict measures, including in the area of legislation, to combat hate speech and other manifestations of racism and xenophobia, including on the internet, in line with the obligations under articles 19 and 20 of ICCPR	Egypt Africa AU, OIC, AL, OIF	Supported	5	International instruments     Racial discrimination	2
Portugal WEOG	N/A	Closely monitor developments relating to extreme right and racist movements, including skinhead groups, and reinforce efforts to counter the dissemination of racist and xenophobic propaganda by a section of the population through the internet	Nigeria II II Africa AU, OIC, Commonwealth	Supported	4	Racial discrimination	1

#### RECOMMENDATIONS RECEIVED

SuR Rec Number		Recommendation RS		RS Response		Issue	
<b>&gt;</b>	<b>&gt;</b>		-		<b>&gt;</b>		
Algeria 🔛 Africa AU, OIC, AL	N/A	Following the lifting of the State of Emergency in February 2011, promptly take measures to bring all other legislation and decrees in conformity with its international obligations aimed at fully ensuring freedom of expression, including on the internal, and freedom of peaceful assembly and of association	Canada [*] WEOG OAS, OIF, Commonwealth	Noted	4	Freedom of association and peaceful assembly     Freedom of opinion and expression	
Eritrea 🔤 Africa AU	N/A	Lift all the restrictions on the rights to freedom of expression and of the press, including Internet freedom and fully implement its obligations in accordance with ICCPR	Estonia EEG	Noted	5	Freedom of opinion and expression     Freedom of the press     International instruments	
Rwanda Africa AU, OIF, Commonwealth	N/A	Continue with the impressive process of granting access to the Internet to its population, in particular to underprivileged communities	Haiti GRULAC OAS, ACS, OIF	Supported	2	• Other	
Seychelles Africa Africa AU, OIF, Commonwealth	N/A	Review its legislation in order to protect and promote the right to freedom of opinion and expression, including on the internet, also providing protection to journalists against harassment by police and other authorities	Brazil GRULAC OAS, OEI	Supported	3	Freedom of opinion and expression     Freedom of the press     Human rights violations by state agents	
Tunisia 💷 Africa AU, OIC, AL, OIF	N/A	Take further steps in order to guarantee freedom of expression, including freedom of expression on the internet	Greece IIII WEOG EU, OIF	Supported	4	Freedom of opinion and expression	
Uganda	N/A	Improve the transparency of the electoral process, provide equal conditions for all candidates, prevent obstruction of the media and the Internet, and ensure the independence of the Electoral Commission and impartial investigation of allegations of election fraud and violence	Czechia be EEG	Supported	4	Elections     Freedom of the press	
Egypt === Africa AU, OIC, AL, OIF	N/A	Immediately release persons detained or imprisoned for exercising their freedom of expression on the internet	Sweden ::: WEOG EU	Supported	5	Detention     Freedom of opinion and expression	
Egypt === Africa AU, OIC, AL, OIF	N/A	Revise relevant laws and practice to ensure compliance with ICCPR including for bloggers and public access to internet	Czechia be EEG EU	Supported	3	Freedom of opinion and expression     International instruments	
Egypt == Africa AU, OIC, AL, OIF	N/A	Take action to secure that the enjoyment of human rights extends to the Internet, as pronounced by the Human Rights Committee and relevant United Nations resolutions	Sweden III WEOG EU	Supported	4	Freedom of opinion and expression     Treaty bodies	
Libya	N/A	Take measures to protect freedom of expression and association, by pursuing its reforms of the law on the press and of the Penal Code to bring them into conformity with its fundamental law and international standards, by putting an end to the restrictions on Internet access, and by allowing the free establishment of associations	France WEOG EU, OIF	Supported	5	Freedom of association and peaceful assembly     Freedom of opinion and expression	

#### HOW DO WE ENGAGE?

- Solid research
- Collaborate
- Strategise
- Persist
- Submit briefs and statements
- Deliver statements
- Holding meetings in public and private

#### IF YOU NEED ANY HELP WITH YOUR ADVOCACY

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