

INFORMATION TECHNOLOGY AND HUMAN RIGHTS

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Abstract

The ubiquitous use of Information and Communication Technology (ICT) and particularly the internet has caused changes in various aspects of everyday lives. It has brought in new challenges to human rights. The violation of human rights on the internet needs to be recognized and protected. The concept of crime may be enlarged to include cybercrimes. Issues such as freedom of expression, right to privacy, digital divide and the right to cultural enjoyment of the internet characterize the impact of ICT on human rights. SWOC (Strengths, Weaknesses, Opportunities and Challenges) analysis has been used to study the role of ICT on human rights activities.

Introduction

ICT (Information and Communication Technology) has revolutionized the way human beings obtain information and communicate with each other. In fact, it can be argued that the internet has been the main tool that has ushered in ICT. It is one of the most significant developments in human history. The internet has become an integral part of everyday lives. More and more people around the world are joining social networking sites.

The relationship between ICT and human rights is mutual, intertwined and can be developed further. New technologies have always brought in new challenges to human rights. It is believed that access to internet is a human right and that States are obliged to promote universal access to the internet. There is a need to recognize human rights on the internet and that these rights can be violated by different entities. The violation of human rights on cyberspace should be condemned and there is a need to provide a legal framework which

penalizes such violations. It has been argued that the scope of the term crime against humanity should be widened to include the abuse of human rights online.

Impact of ICT on human rights

ASEM (Asia-Europe Meeting) 12th Seminar on Human Rights has brought out four key aspects characterizing the impact of ICT on human rights:

1. Freedom of expression

Freedom of expression is an important human right and is also a means to ensure other human rights. Efforts are being made to recognize access to internet as a human right and concomitantly the internet is a catalyst for achieving a higher level of human rights protection. The internet and cell phones have opened tremendous opportunities for citizens to record events and express their own views. This freedom of expression must be recognized and protected. The rules about freedom of expression should also apply to online and here the Governments continue to play an important role. There is a need to devise these rules through public debate inviting citizens and not arbitrarily. All stakeholders must be vigilant about rapid change in technology and violation of rights and freedoms.

2. Right to Privacy

Right to Privacy has been deeply affected by the internet. The concept of privacy has undergone changes in the new ICT era. It is difficult to draw the line between what is public and what is not. To enable human security online, it is essential to ensure the right to privacy. Individual internet users want to protect their privacy but at the same time they release their private information to enhance their online profiles and develop social acquaintances. Personal data protection laws need to be implemented judiciously. Laws pertaining to privacy have been adopted at international, regional and national levels. Governments must provide a regulatory framework wherein the right of individuals are protected. CSR includes human rights obligations. Awareness of technology should be spread to enhance privacy. Remedies such as fines to be imposed on privacy violators and dispute settlement measures are needed. Minors should be trained in internet use and protected as a vulnerable group. States should

ensure that the human rights framework is applied to private and commercial sectors and that companies do not violate human rights of its users.

3. Digital Divide

This divide is not only between rich and poor countries but also within nations, between rural and urban areas, between the educated and the illiterate, between men and women, between differently-abled and the rest of the population. At the technology level, disparities include unequal access to ICT with regard to its infrastructures, devices and affordability. The inequalities also relate to ICT skills and knowledge and unequal access to education and training opportunities. Digital divide is not a static but a dynamic phenomenon. Rapid progress in ICT development makes existing technology outdated in a very short time thereby increasing existing divides and opening new ones. Every country or community will be required to define its own priorities and policy interventions to bridge the digital divide. ICTs are now central to almost all aspects of human activity and constitute enough condition for various fundamental rights. The citizens should have choice and control over the use of technology to allow them to adapt ICT for their purposes. Governments should promote awareness about digital opportunities and provide education, training and skills to tackle digital exclusion. Businesses can use their resources and expertise to achieve digital inclusion. Civil society can also play an important role in bridging digital divide by undertaking research, training, awareness on ICT policy issues, facilitating and protecting inclusive access to online content. Digital divide issues are multi-faceted and require a holistic approach. Inclusion should be promoted on all levels from basic infrastructure, device and software level to digital content, applications and e-services.

4. The Right to Cultural Enjoyment of the Internet

This looks at the potential of the internet to ensure cultural enjoyment, secure our cultural heritage and preserve human creativity. The right to cultural enjoyment of the internet is a component of the right to access knowledge as mentioned in human rights conventions. The international community needs to ensure that access to the internet and the right to access knowledge are protected equally in the online world. The internet plays an important role in

preservation and promotion of cultural and linguistic diversity for minority groups and indigenous peoples. They are using the internet/ICT to preserve their dying languages and dialects. It was felt that the predominance of the English language on the internet is a threat to online cultural and linguistic diversity and also limits the ability of minority groups, right to access knowledge, culture, education and participation in society. Governments should encourage the development of ICT skills and education in various minority, ethnic and indigenous languages to promote economic development opportunities for such groups. Localisation of technology such as the ability to adapt software in local languages will help minority groups preserve cultural and linguistic diversity, removes barriers to participation and allows access to knowledge, culture and education. Public interests should be considered by Governments while amending their Intellectual Property Laws. IPRs and strict copyright protection can threaten the enjoyment of human rights and hamper human creativity online. Corporate interest should not be promoted at the expense of citizen's rights. At the same time, interests of developed countries should not supersede those of developing countries. Governments need to ensure that the public interest balance is maintained and recognized in domestic IP legislation and international treaties and agreements.

SWOC Analysis

Role of ICT in human rights activities is analyzed using SWOC (Strengths, Weaknesses, Opportunities and Challenges) analysis

Strengths

Speedy Collection of information

ICT has brought remarkable transformation in international human rights movement. Accurate and timely information is a very important tool and very essential for effective action to promote human rights whether by organizations, individuals, Governments and international institutions. One of the significant functions of international human rights NGOs is as collectors of information regarding violation of human rights. The first step in processing information is gathering it. Human right NGOs use information to gather support for various

causes and translate into activities to individuals and groups and end abuse of power and violation of human rights. ICT systems can disseminate an electronic document to unlimited number of people simultaneously because the document has no physical form.

Lower Cost

Tools such as e-mail and internet facilitate quick and inexpensive transfer of information from those with firsthand knowledge of abuses to the wider community of individuals across the globe. This can play an essential role in the formulation of effective responses to violation of human rights. Communicating through electronic media is inexpensive and uncomplicated. The lower cost of communication has played an essential role in spreading the use of internet.

Greater Scope

The phenomenal use of electronic communication particularly the internet has raised hopes that a new means of communication is developing which could significantly affect the nature, frequency, speed and cost of interaction. The information available through electronic media is fast and cheap and more of it is immediately available to the users. The person with internet access will be able to access more up to date information instantaneously from his or her own home.

Interactivity

Electronic information is much more interactive than other forms of communication. It allows new forms of human interaction. Texts on the internet can be linked to other texts or to appeals for responsive action. They can call for a direct response from readers or provide a forum for networking among individuals or groups with similar interests. The interconnectivity of ICT is evident.

Acts as an aid to push for appropriate action

ICT systems can develop links between local and international groups and allow local groups to access information. Uses of ICT systems aid international human rights movements to

collect interpret and disseminate information and push for appropriate action in response to violations.

Weaknesses

Can function as a tool of the oppressor

If ICT can function as a tool of the oppressed, it can serve the oppressor as well and can become a weapon of abuse. The availability of detailed information on every aspect of a person's life can become a powerful tool which can be exploited at the expense of individual rights and privacy.

Access to underprivileged group may be denied

There is also a danger that Government or private players may deny access to ICT to opposing or underprivileged groups.

May cause callousness among people

In an information age, mass violations of human rights reach world population on a daily basis. There is a danger that people may become callous to reports of difficulties elsewhere in the world. Excess information may dilute public outrage and may stall responsive action.

Opportunities

Connectivity

ICT has brought connectivity among entities. It allows international human rights organizations to address even particular local issues. Internet connections facilitate communication between groups in the human rights community.

Dissemination of Information

Computer Information Systems can facilitate the dissemination of relevant information.

Human rights information on the internet

An important use of the internet by Human Rights Organizations is to post reports on conditions in various countries and on the violations of human rights. Human Rights sites make national and international laws related to human rights available. NGOs post their reports to gather support for human right activities.

Databases and Warning Systems

Academic institutions can contribute to International Human Rights movement through developing databases and warning systems regarding violations of human rights. It requires uniformity of database designs and reporting standards so that information from different sources can be compared and analyzed.

Challenges

Excess of Information

Due to so much information available through ICT, it may overload Human Rights workers with information. More information is available than can be monitored effectively. It becomes difficult for groups to assess how much importance to be given to a particular piece of information. There are not many mechanisms available for filtering.

Verification of Information

Human rights NGOs need to be credible when they take up a particular human rights issue. If the information system upon which their responsive action is based turns out to be false, then the human rights organization which called for action will lose credibility and its future efforts on other issues will also become less effective. Hence verification is important, though it may reduce the speed of work and increase an organization's cost. It is yet essential in addressing the tampering done over the internet.

The Nexus of Information and Action

Human rights NGOs collect information to set standards and respond to past, present, or potential future violations. The material made available through the Internet can provide essential information to the people but this information will serve the goals of the human

rights movement only if it raises consciousness and inspires action. Human rights organizations must therefore be conscious of what they hope to achieve before developing an elaborate presence on the Internet. The most effective presences for human rights NGOs will be ones which link information and action. Such linkages will allow the organizations to increase their interactivity. Therefore human rights organizations should develop interactive systems to raise public awareness and increase public involvement.

Resources and Division of Labour

Using information technology systems in the workings of human rights groups is an expensive affair. It may require investment to purchase computers and modems and pay other communications costs. It may also require funding education and training activities for the groups. The costs of such activities suggest the need for increased coordination between governments and donor organizations. Once verification procedures are developed, it may be necessary for international human rights NGOs to reconsider their allocation of resources and the role of visits to sites in target countries. If more accurate information becomes available on-line, international human rights NGOs may not be required to send investigative missions to areas of interest and more reason to send teams or individuals to establish contact with reporting indigenous groups. This might lead to changes in the types of personnel which international human rights NGOs may wish to hire in the future, with a focus less on investigative skill and more on information management.

Conclusion

Human rights protection should be extended online. Government should enact laws on ICT usage so that public welfare interests are prioritized. The rights of users and institutions of fundamental rights and freedoms such as freedom of expression, right to information, right to privacy should be positively affirmed. Education in the use of digital technology is required for all citizens and communities. States should ensure that technology tools and ICT skills, education is available in many minority, ethnic and indigenous languages as possible.

References

- Ball, R. Girouard, M and Chapman, A (1997), *Information Technology, Information Management and Human Rights*, Human Rights Quarterly, Vol.19, No.4, pp. 836-859.
- Metzl, J. (1996), *Information Technology and Human Rights*, Human Rights Quarterly, Vol.18, No.4, pp. 705-746.
- Proceedings of the 12th Informal Asia-Europe Meeting (ASEM) Seminar on Human Rights, 27-29 June 2012, Seoul, Korea.

Bio:

Rakhshandah Hani is assistant professor teaching economics at Maharashtra College, Mumbai since the past fourteen years. Along with post-graduation in Economics, she has a B.Ed degree to her credit. She has cleared both State as well as National Eligibility Test for lecturership. Recently, she has submitted thesis for doctoral degree to the Department of Economics, University of Mumbai.