

Human Rights in Networking

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Abstract

With the rapid development of global Internet technologies, protocols and the emergence of new applications, how to better protect human rights has become one of the current focused topics in this age of information. While affirming the positive role of the Internet in the protection of human rights, this paper discusses the current situation of human rights in networking and puts forward some suggestions on how to better manage the Internet to protect human rights.

Keywords

Human Rights, Networking, Internet Protocols, Government Legislations, Private Organizations, Internet Structures

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1. Introduction

The Internet has greatly promoted the development of human rights. It is a powerful tool for human rights as it can connect people around the world to communicate and learn from each other and as a conduit for information and expression. Every coin has two sides, the Internet has also raised many issues worth thinking about and need to be taken seriously in the protection and defense of human rights. Human rights in networking, which is the derivative of offline traditional human rights in cyberspace. The report of the World Summit on the Information

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Society held in Geneva in 2003 proposed that people's right to access information on the Internet should be guaranteed on the basis of full respect for the Universal Declaration of Human Rights. On the one hand, the Internet has greatly expanded the space for people's political, economic, cultural and other human rights. On the other hand, it has the characteristics of massive information, lack of supervisors and rapid dissemination. It also opens a convenient door for the dissemination of illegal and unhealthy information, which is easy to pose a threat to national security, public order and individual rights. Thus, promoting the orderly development of the Internet is the direction of protecting and safeguarding human rights. First, this paper introduces the current situation of human rights in networking. In section 3, we explore some possible solutions for human rights issues mentioned in section 2. Finally, this paper discusses relationship between private organizations and governments in the protection of human rights in networking.

2. Current Situation of Human Rights in Networking

The Internet era has brought significant changes to human social life. The new methods of communication driven by the Internet turns vertical transmission into plane transmission. The government's official media is sometimes not the leading voice of all. Instead, the Internet forms a series of non-central folk media and new media. There is no denying that these emerging media also have huge influence on ordinary people. Human rights, as a systematic expression of the basic welfare requirements of human beings, have acquired some new characteristics and are facing some new challenges in this information age. Also, as the carrier of high-speed information communication, the Internet plays an extremely important role in the development of human rights.

In this section, I will introduce the development of human rights in the networking first. Secondly, I will talk about its current situation. Lastly, we will discuss the current situation of the protection of human rights in the networking.

2.1 Development of Human Rights in Networking

Although the Internet's not very popular 20 years ago, some European governments and organizations developed several important conventions to protect the public interests when involving the Internet such as the Convention on Cybercrime (2001) and the Convention on the Prevention of Terrorism (2005) [\[COE01\]](#). In 2011, the G8 adopted the Deauville Declaration, reaffirming the freedom and openness of the Internet, respect for privacy and intellectual property rights, partnership among stakeholders, cyber security and the necessity to fight against cybercrime [\[Utoronto11\]](#). In the same year, the United Nations Special Rapporteur Frank La Rue made a report on "Freedom of Expression and the Internet" to the United Nations Commission on Human Rights. Since then, the International Conference on Human Rights have repeatedly examined and discussed Internet governance from the perspective of human rights. They stressed that the opportunities to access the Internet and free access to the Internet are a basic human right. In September 2011, 47 countries of the Council of Europe issued the Declaration on Guiding Principle on Internet Governance, which proposed that Internet governance should be based on international human rights law, protect basic human rights and ensure its universality, indivisibility, interdependence and interconnection. In 2012, the United Nations Human Rights

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Council adopted Resolution on the Promotion, Protection and Enjoyment of Human Rights on the Internet, affirming that in accordance with Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights, human rights in the networking should be protected, especially freedom of speech. This right can be exercised through any media of their own choice regardless of national boundaries. It recognizes the global and open nature of the Internet as a driving force for accelerating the development process in all the forms. The resolution appeals all nations to promote and facilitate Internet access, strengthen international cooperation for the development of media and communication facilities in all areas. It also decides to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and in other technical fields, and how to make the Internet an important tool to develop and exercise human rights, in accordance with its program of work [\[UNHR12\]](#). In 2014, the Committee of Ministers of the Council of Europe adopted Guide to Human Rights for Internet Users to formulate the basic framework of principles to protect the fundamental human rights guaranteed by the European Convention on Human Rights for all internet users [\[COE14\]](#). In 2016, at its 32nd session, UNHRC adopted Promotion, Protection and Enjoyment of Human Rights on the Internet, calling on all States to comply with their international human rights obligations to ensure the protection of freedom of expression, association, privacy and other human rights on the Internet. The resolution appeals all nations to address the security concerns about the Internet, including through domestic democratic and transparent institutions, based on the rule of law, and adopting methods to ensure the freedom and security of the Internet, so that it can continue to act as a living force driving economic, social and cultural development. During these twenty years, the Internet is rapidly developing, a lot of great progress on the protection of human rights in networking has been made and meanwhile the impact of the Internet on human rights is also tremendous, just as Figure 1 shows.

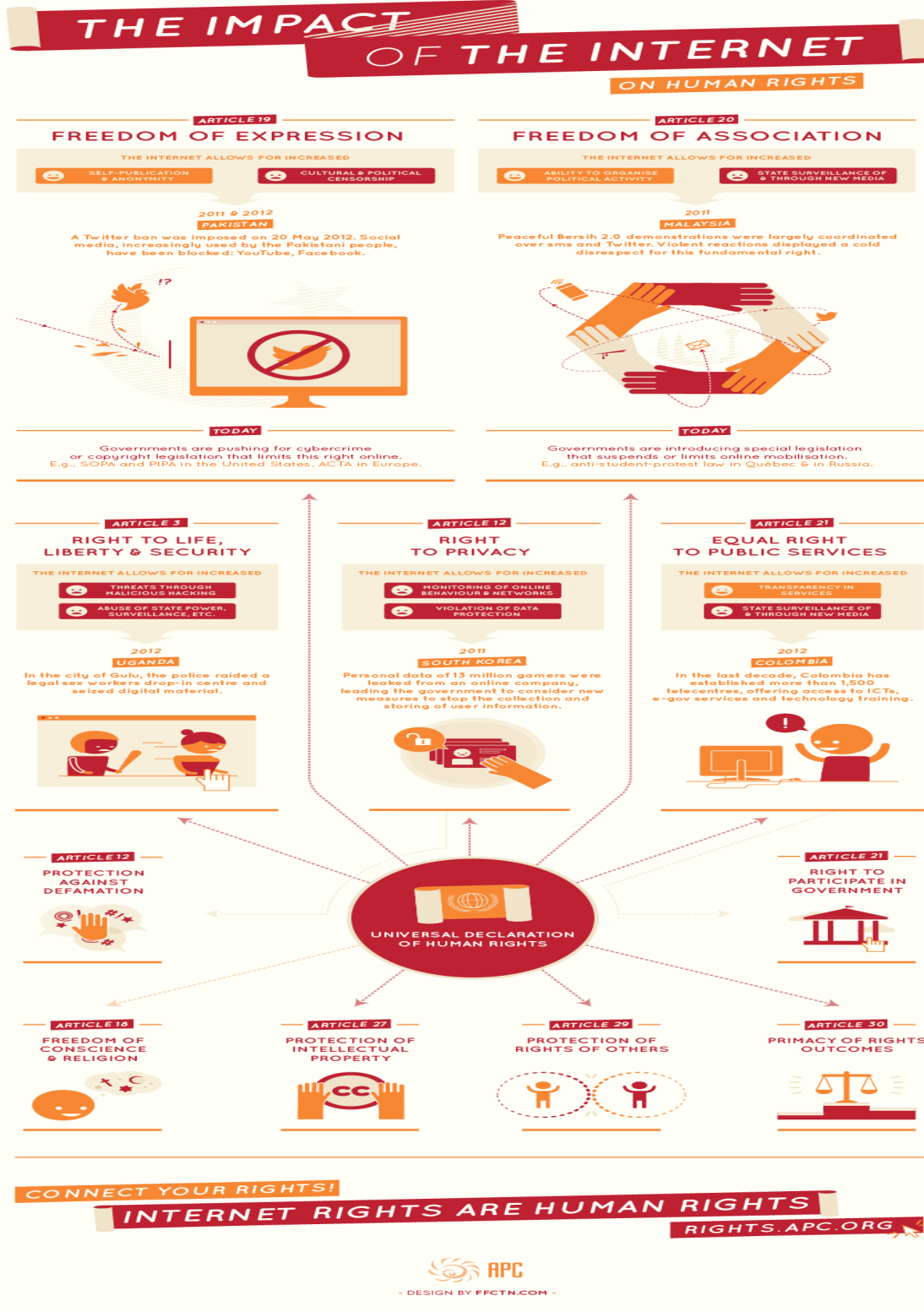


Figure 1 [APC12]

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Figure 1 mentions that governments are pushing for cybercrime or copyright legislation that limits the right to free access the Internet. Also, governments are introducing special legislation that suspends or limits online mobilization. It reflects the current situation that governments need to protect the human rights in the networking at any cost, meanwhile they should also take the responsibility to protect people from negative factors of the Internet. This is a very difficult problem to solve. In order to better demonstrate this contradiction, we will discuss some common digital rights first.

2.2 Common Digital Rights

This subsection discusses about four common digital rights. They are access and non-discrimination, freedom of expression and information, privacy and data protection, protection of children and young people.

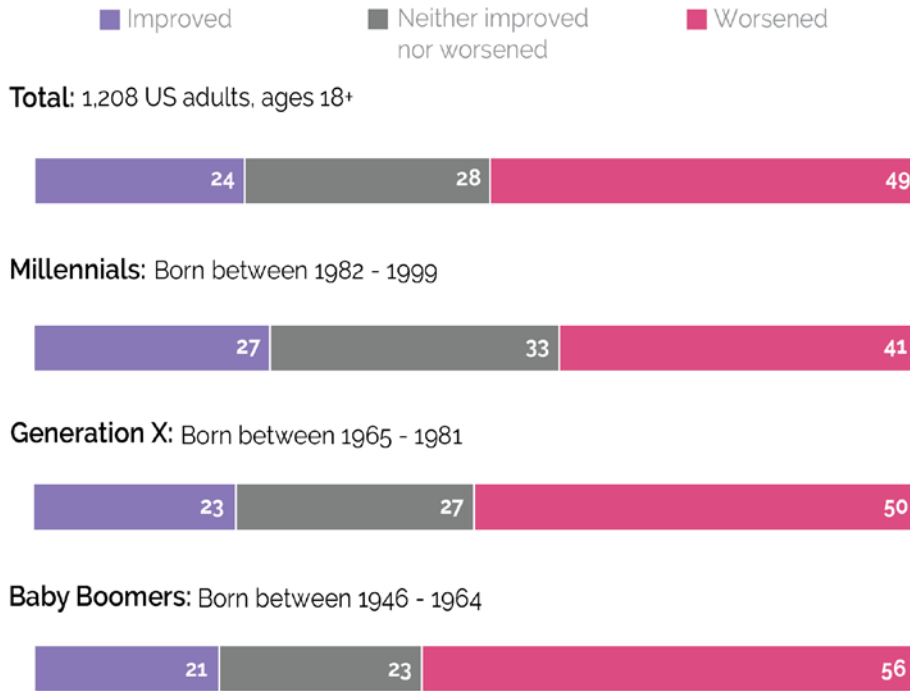
Access and Non-discrimination

In this age of information, Internet access is essential for maintaining a minimum decent life to some degree, which means not only survival, but also vital political rights that enable us to influence the rules that shape our lives and be accountable to the authorities. Before the existence of the Internet, most people in democracies have equal opportunities to use their political rights. They can vote or recommend their political representatives, attend public meetings and join organizations. But when certain people gain Internet access, they will have more opportunities to use their political rights than people without the access to the Internet. According to a survey conducted by YouGov, about 49% of Americans believe that Internet access is a human right. But 49% of people also say the Internet has made politics worse [\[YouGov19\]](#), just as Figure 2 shows.

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Older generations are more likely to believe that the Internet has negatively impacted politics in America

To what extent do you believe the invention of the Internet has improved or worsened each of the following? Politics (%)



YouGov | yougov.com

March 6-7, 2019

Figure 2 [\[YouGov19\]](#)

Nowadays we have more and more online political activities, we just need to sit in the chair, open the computers and make some clicks. But in some cases, our political rights can only be used through the Internet. For instance, during the COVID-19 pandemic, many political activities have to be held online. If you cannot access the Internet, then you will lose the opportunity to use your political rights. This means that if people want to have equal opportunities to take advantage of their political freedoms, they must have the access to the Internet. That's the main reason that Internet access should be considered a human right. Different people of different races from a variety of backgrounds should all have the right to access the Internet.

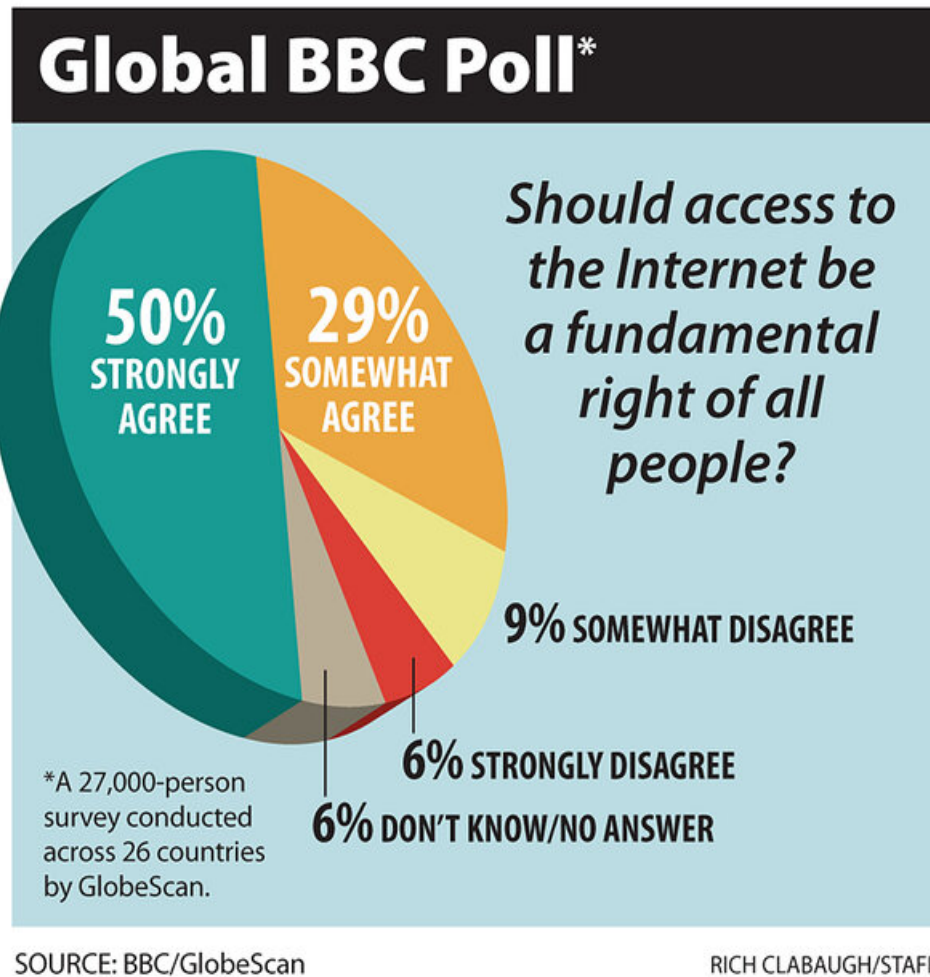


Figure 3 [\[CSMonitor10\]](#)

As Figure 3 shows, Four out of five people worldwide say Internet access is a human right.

Freedom of Expression and Information

Freedom of expression is one of the political freedoms of citizens, it is an important way for citizens to participate in political affairs. Network freedom of expression is a new form of freedom of expression in the context of the rapid development of modern network technology. The traditional media is not the leading voice any more. On the Internet, everyone can express his or her own opinions and real views on the event, which is more convenient in form and does not need to avoid anything, so that people can truly use their rights of freedom of expression granted by law. It's also an important human right.

Privacy and Data Protection

Citizens have the right to privacy and family life online, including but not limited to the protection of personal data and respect for confidentiality. Personal data can only be processed or transferred to third parties with the informed consent of citizens. General surveillance or

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interception is not allowed unless there are special circumstances stipulated by law, such as criminal investigation.

Protection of Children and Young People

In addition to being conducive to the development of personality, the information content spread on the Internet may also destroy a person's personality and push it towards misconduct. Therefore, we have reasons to worry that the publicity of violence, pornography, xenophobia, individualism and video games will distort human thoughts, especially children's thoughts, and lead to "Internet addiction" which is similar to drug addiction. Modern cyberspace poses great challenges to children's rights, human honor and dignity. A person, especially a child, is in an unprotected state in the modern global network and may become a victim of criminals, terrorists and the dissemination of pornographic videos. Therefore, children and young people have the rights to be protected when they are accessing the Internet.

2.3 Current Situation

Firstly, the Internet has greatly promoted the development of human rights. It causes an impact to hierarchy in politics and interpersonal relations, and expands interpersonal equal relations. It even breaks through the various constraints of traditional politics, religion and morality on people's personalities, and expands people's freedom and rights. The Internet also makes a huge impact to the government's leading voice and opinion control system, as well as all kinds of ideological and public opinion control systems, and expands the democracy of "making decisions by the people" rather than "making decisions for the people".

Secondly, the Internet also poses new challenges to the protection and defense of human rights. While the Internet breaks through various constraints, irresponsible remarks and unfounded public opinions, rumors of personal attacks, graphics and videos rendering pornography and violence are also widely spread. While the Internet promotes the development of freedom and democracy, populism and narrow nationalism take the opportunity to form ideological trends. While the Internet provides everyone with the right of equal participation and the public opinion right to monitor, some people will always violate the human rights of others, such as the right of privacy. Therefore, governments always need to intervene and take the responsibility to protect people from negative factors of the Internet despite being accused of violating human rights in the networking sometimes.

Having introduced the development of human rights in networking and the current situation of the protection of human rights in networking in this section, we will look at some possible solutions for those problems mentioned above in the next section.

3. Possible Solutions

As a right, the government has the obligation to protect human rights in the networking. However, any right is not absolute and has a certain boundary, so it is also a general international practice to restrict it. At present, the controversial issue in the international community is whether we should pay more attention to freedom and human rights protection, or

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responsibilities and restrictions. In this section, we will talk about the solutions to protect common digital rights mentioned above first. Second, we will discuss the possible solutions to the controversial issue in the protection of human rights in the networking.

3.1 Solutions to Protect Common Digital Rights

For the right to access the Internet, firstly it should be unmonitored and undisturbed most of the time, as called for in a non-binding resolution passed by the UN General Assembly in 2016. Secondly, governments should ensure that a minimum amount of decent infrastructure is available to all citizens, regardless of how much money they have. This means that the funds for Internet access should be at least part of the minimum benefits. Nevertheless, expensive infrastructure is not the only obstacle to access the Internet in developing countries. The popularity of the Internet can also be increased by promoting gender equality, literacy and digital skills. Developed countries should honor their commitments to the United Nations' sustainable development goals to support these activities.

For the right of children and young people to be protected, only when the government start to manage the network through comprehensive measurements, this problem can be expected to be solved. In order to create a secure network environment, many countries have adopted corresponding national policies. Rating systems are made to protect children and young people from bloody and violent content, legal responsibilities are clarified by governments, secure network provider association is established. Therefore, the network environment will become better and better.

As the Internet has become a major disaster area for defamation and other crimes, more and more governments have taken actions in recent years to strengthen Internet legislation and law enforcement, crack down on Internet crimes and protect the rights of individuals. Criminals use cyberspace to carry out terrorist acts, undermine national public order and damage national sovereignty. To solve this problem, government need to control the dissemination of information in cyberspace and establish an international legal framework to regulate information related activities. The only way to achieve this goal is to reach international consensus. Any attempt to impose its own national standards as a general model on other countries will only intensify contradictions and inevitably lead to the final division of the Internet into national networks or regional networks. The best solution is to adopt an international legal framework at the level of the United Nations to regulate global cyberspace.

3.2 Solutions to the Contradiction

We all agree that human rights in the networking must be protected, but we also need to admit that we can't just ignore the negative features of the Internet content. The mainstream view is that human rights in networking should be subject to certain restrictions. The reason is simple, the Internet is different from the traditional paper media in storing and transmitting information. The Internet has billions of users all over the world. The content on the Internet has a greater impact on human rights. Therefore, its regulation should be different from the traditional paper media and subject to more restrictions. In 2003, the United Nations issued the Declaration of Principles on WSIS held in Geneva, which proposed that the decision-making power of public policy issues

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related to the Internet is the sovereignty of all countries. In 2005, the United Nations Working Group on Internet Governance proposed that network governance refers to the principles, standards, regulations, decision-making procedures formulated and implemented by the state, the private sector and society within their respective roles, as well as the common plan to regulate the development and use of the Internet. It also emphasizes the common responsibility of different subjects in Internet governance, which provides a certain theoretical basis for network restrictions. [\[WGIG05\]](#)

Based on the impact to the Internet, the network should be regulated to some extent. Human rights in networking are not absolute rights. Many countries have already adopted various mechanisms to regulate the Internet. For example, Belarus and China have adopted the network real name system, Australia has adopted the blacklist system. Besides, more than 40 countries have filtered the Internet content. The key to the problem is how to grasp the degree of restriction, which is a difficult problem faced by all countries. First, there must be human rights impact assessments before the new Internet legislations and restrictions. Different countries may have different assessment measure, but governments must respect those human rights. Second, governments need to have legitimate aims in order to make restrictions, such as the interests of national security, public security or the economic welfare of the state, the prevention of chaos or crime, the protection of health or morality, or the protection of the rights and freedoms of others. Lastly, the restrictions governments made must be prescribed by law, citizens must be able to obtain sufficient guidance in the circumstances of a certain case to which the legal rules apply.

In this section, we mainly talk about the possible solutions to the main issues of the protection of human rights in networking and conclude that it needs to be regulated to some extent. But what if governments are not real policymaking role of the human rights in networking?

4. Real Policymaking Role in Human rights Protection

In the early days of the Internet, due to technological restrictions, it was extremely hard for a huge firm to manipulate the network or interfere with customers' personal actions. Now the world has actually altered because the power of modern technology is becoming powerful. Various private organizations such as IETF, Google, and Facebook manage as well as regulate human rights on the Internet using their standard contractual clauses and Internet structure [\[Zalnierute19\]](#). In this section, we will take a look at this issue.

4.1 Increasingly Powerful Private Organizations

Whereas governments are formally charged with establishing regulative policies as well as human rights criteria, in the networking environment the official organizations usually delegate this governing obligation to private organizations. Private firms such as platform operators have taken up an unelected role as the "new governors" of online speech. [\[Zalnierute19\]](#) Thus, most of time private firms have much influence on Internet users than governments. This is really not good.

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Figure 4 [[Pressenza21](#)]

As Figure 4 shows, social networks such as Facebook encourage users to provide personal information but do not share it with other sites. Social network has become a centralized platform and a closed content warehouse. Users can not fully control the information they published. The more common the application of social networks is, the more fragmented the web will become, and the less we can enjoy a complete and unified information space. This is an absolute violation of user's right. In other words, this is the violation of human right. What's more, private organizations such as IETF, Google, and Facebook made their own Internet protocols and rules. In some cases, they are even above the government when making policies related to Internet. Public and legal pressure will lose their power with large personal companies and organizations developing most of Internet protocols and architectures [[Zalnieriute19](#)]. Governments will not be the real policymaking role in enacting global governance via Internet architecture any more if they are unable to formulate corresponding regulations in time.

4.2 Actions Need to Be Implemented

The Internet industry is highly technical and innovative, and new problems emerge one after another. When the manpower and technical level of the Internet regulatory authorities are limited, we cannot only depend on the rigid supervision of the administrative authorities only, because it often costs a lot and the effect is poor. By actively giving play to the joint role of the government, enterprises, industry associations and the public, the cost of regulation can be reduced and the effect of regulation can be improved through cooperative regulation and self-regulation. Among them, the government should play the following roles: setting minimum standards, convening multi-party negotiation mechanism, supporting and encouraging parties to participate in the negotiation, improving their ability to participate in the negotiation, and conducting the final supervision. The government and enterprises should jointly formulate standards and implement them, and at the same time give play to mechanisms such as self-discipline of industry associations. Also, governments need to ensure network neutrality, all Internet users should be able to access web content, run applications, access devices and choose

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service providers of their choice. This principle requires equal treatment of all Internet content and access, prevents operators and private firms from controlling the priority of data transmission in the interests of commercial interests, and ensures the neutrality of network data transmission.

In a word, Internet governance should be through the participation and communication of multiple stakeholders, including civil society organizations, governments, private enterprises, international organizations and individuals.

5. Summary

The Internet has greatly promoted the development of human rights, it also poses new challenges to the protection and defense of human rights. Governments need to reach international consensus and take actions to protect human rights, despite large personal organizations and companies become more and more powerful through formulating many Internet protocols and structures. Human rights issues and governance online are not only dependent on Internet content or usage. Governments should formulate more detailed and effective policies toward human rights in networking. We must find a way to balance governments and private actors in the process of human rights policymaking.

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7. List of Acronyms

- COE - The Council of Europe
- WSIS - The World Summit on the Information Society
- UNHRC - United Nations Human Rights Council
- WGIG - Working Group on Internet Governance

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