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*Economic, social and cultural rights
and the internet*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)
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Economic, social and cultural rights and the internet

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ICTs, SDGs and economic, social and cultural rights

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Introduction

This is a critical time for development, rights and the emerging information society.

- In 2015, the United Nations agreed a comprehensive programme of action – the 2030 Agenda for Sustainable Development – to pursue the three linked goals of sustainable development: economic prosperity, social equity and environmental sustainability.¹
- Also in 2015, in the 10-year review of the World Summit on the Information Society (WSIS+10 review), the UN assessed progress towards a “people-centred, inclusive and development-oriented Information Society” since the Summit ended in 2005. It recognised that information and communications technologies (ICTs) and the internet are becoming ever more pervasive and critical to society, economy and development.²
- In 2014, the UN Human Rights Council recognised that rights must be equivalent offline and online.³ The centrality of human rights to development was emphasised in both the 2030 Agenda and the outcome document from the WSIS+10 review.

This report brings together these three themes – sustainable development, the information society and human rights – and considers the relationships between the sustainable development goals (SDGs), ICTs, and those rights which are set out in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The link between economic, social and cultural rights and sustainable development

Human rights are crucial to development. The 2030 Agenda for Sustainable Development envisages “a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realisation of human potential and contributing to shared prosperity. ... A just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met.”

Human rights are set out in a number of international instruments, the most fundamental of which is the Universal Declaration of Human Rights (UDHR).⁴ Commitments by governments to the rights included in the UDHR are formalised in the International Covenant on Civil and Political Rights (ICCPR)⁵ and the ICESCR.⁶ Other crucial instruments are concerned with the rights of women (Convention on the Elimination of All Forms of Discrimination against Women, CEDAW),⁷ children (Convention on the Rights of the Child, CRC)⁸ and with racial discrimination (International Convention on the Elimination of All Forms of Racial Discrimination, ICERD).⁹ Governments must refrain from violating rights and are responsible for enabling citizens to exercise them.

The ICCPR is concerned particularly with the rights of the individual, including freedoms of expression and association and the right to privacy. The ICESCR is concerned with broader social rights, whose achievement requires policy commitment and investment over time by governments – a process described as “progressive realisation”. As well as asserting self-determination and gender equality, the Covenant’s principal clauses are concerned

1 Transforming Our World: the 2030 Agenda for Sustainable Development. www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

2 United Nations General Assembly. (2015). Outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society (A/RES/70/125). unctad.org/en/PublicationsLibrary/ares70d125_en.pdf

3 For example, United Nations General Assembly. (2014). The right to privacy in the digital age (A/RES/68/167). www.un.org/ga/search/view_doc.asp?symbol=A/RES/68/167

4 www.un.org/en/universal-declaration-human-rights/index.html

5 www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx

6 The Covenant can be found at www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx

7 www.un.org/womenwatch/daw/cedaw/cedaw.htm

8 www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx

9 www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx

TABLE 1.		
Intersections between ESCRs and SDGs		
	Articles and themes of ICESCR	Principal related SDGs
1	<ul style="list-style-type: none"> • Right of self-determination • Right to freely dispose of natural wealth and resources 	<ul style="list-style-type: none"> • 10 & 17 (self-determination) • 14 & 15 (natural resources)
2	<ul style="list-style-type: none"> • Progressive realisation of rights within the Covenant • Non-discrimination 	<ul style="list-style-type: none"> • 1 (resource mobilisation and policy frameworks in general), sectoral SDGs (specific sectors) • 1 (equality), 5 (gender equity), sectoral SDGs (specific sectors)
3	<ul style="list-style-type: none"> • Gender equality (see also CEDAW) 	<ul style="list-style-type: none"> • 3 (gender equality), sectoral SDGs (specific sectors)
6	<ul style="list-style-type: none"> • Right to work, including vocational training 	<ul style="list-style-type: none"> • 8 (employment and economic growth)
7	<ul style="list-style-type: none"> • Just and favourable conditions of work, including remuneration, health and safety 	<ul style="list-style-type: none"> • 8 (employment and economic growth)
8	<ul style="list-style-type: none"> • Trade union rights 	<ul style="list-style-type: none"> • 8 (employment and economic growth)
9	<ul style="list-style-type: none"> • Right to social security, including social insurance 	<ul style="list-style-type: none"> • 1 (social protection), various (specific aspects of social welfare)
10	<ul style="list-style-type: none"> • Protection of the family, including women/ mothers and children (see also CEDAW and CRC) 	<ul style="list-style-type: none"> • 5 (gender equity)
11	<ul style="list-style-type: none"> • Right to an adequate standard of living • Freedom from hunger and equitable food production and distribution 	<ul style="list-style-type: none"> • 1 (poverty reduction), 2 (freedom from hunger), sectoral SDGs (specific sectors) • 2 (freedom from hunger and equitable food production and distribution), 17 (trade)
12	<ul style="list-style-type: none"> • Right to high standards of health • Reduction of infant mortality and of disease 	<ul style="list-style-type: none"> • 3 (health), 6 (water), 11 (human settlements), 12 & 15 (environment)
13 & 14	<ul style="list-style-type: none"> • Right to education 	<ul style="list-style-type: none"> • 4 (education)
15	<ul style="list-style-type: none"> • Right to cultural life, including benefits of scientific progress • Authorial rights • Freedom of scientific research 	<ul style="list-style-type: none"> • Sectoral SDGs (sectoral scientific progress and scientific freedoms)

with the right to work, working conditions and trade union rights, rights to social security and an “adequate standard of living”, freedom from hunger, protection of the family, rights to health and education, and rights to participate in cultural life, including the “benefits of scientific progress and its applications”. Some of these rights are further developed, where women and children are concerned, in CEDAW and the CRC.

The 2030 Agenda for Sustainable Development includes 17 Sustainable Development Goals (SDGs)

and 169 targets. The rights included in the ICESCR overlap and provide an underpinning framework for many of these SDGs, while the goals establish quantifiable and other targets that will support realisation of the rights. Goals to end poverty and hunger (SDGs 1 and 2), for example, and to ensure access to water and energy (SDGs 6 and 7) relate to the Covenant’s right to an adequate standard of living and to food. SDGs 3 and 4 relate to rights to health and education; SDG 8 to “decent work for all”. These relationships are detailed in Table 1.

ICTs and sustainable development

There has been much discussion about the relationship between ICTs and sustainable development, including the SDGs. Like many other organisations, the Association for Progressive Communications (APC) has expressed concern about the limited extent to which the role and potential of ICTs and the internet have been recognised in the 2030 Agenda and the goals.

The Agenda acknowledges that “the spread of information and communications technology and global interconnectedness has great potential to accelerate human progress, to bridge the digital divide and to develop knowledge societies.” However, there is no goal concerned specifically with ICTs and the internet, only one of the 169 sustainable development targets is concerned with access to ICTs, and they are mentioned in only three others (which are concerned with women’s empowerment, education, and research and development).

There is more recognition of the value of access to information in the Agenda, including both information which can enable people to make decisions about their lives and information which can enable policy makers to address economic, social and cultural development more effectively. However, the cross-cutting roles of both information and communications are poorly represented in the overall framework.

The UN’s WSIS+10 outcomes review urged stakeholders to build a more effective relationship between ICTs and the SDGs. APC believes that there are three important aspects to this, each of which is crucial to enabling and exercising economic, social and cultural rights:

- ICTs are changing the ways in which governments, businesses and citizens behave. Governments and other stakeholders need to understand these changes, take advantage of those which provide new opportunities to fulfil the SDGs, and remain vigilant to contain risks where they may undermine the goals.
- Development policies and programmes can take advantage of the potential of ICTs to implement the SDGs in many ways – from gathering evidence to designing and implementing development projects and facilitating access to information. Governments and other stakeholders should take full advantage of these to support achievement of each of the SDGs.
- ICTs can improve the monitoring and measurement of progress towards the SDGs. Governments and other stakeholders should take full advantage of this in order to improve

the effectiveness of SDG implementation, while protecting rights to privacy and information.

One way to bring these themes together is to place the relationship between ICTs and the SDGs within the framework of economic, social and cultural rights set out in the ICESCR.

ICTs and ESCRs

The UN General Assembly’s WSIS+10 review declared that human rights are “central to the vision of the World Summit on the Information Society.” As noted earlier, the General Assembly has also declared that “the same rights that people have offline must also be protected online,” implying that rights online and offline must be equivalent.

Most discussion of ICTs, the internet and human rights has been concerned with civil and political rights. The internet, in particular, has opened new opportunities for people to exercise freedom of expression and publish their opinions, to access information, to associate with one another online and offline and to engage in social and political activity. At the same time, it has raised new threats to privacy, from both governments and businesses, and has changed the ways in which rights to information and expression can be enforced or violated.¹⁰

Much less attention has been paid to the impact of ICTs and the internet on ESCRs. Yet these are as important in the international rights regime as civil and political rights. ICTs and the internet play an increasingly important part in every aspect of economic, social and cultural life – and their importance to economic, social and cultural life is growing year on year as ICTs and the internet become more pervasive, and the services, applications and devices people use become more sophisticated. The impending Internet of Things will mark a step change in their pervasiveness, sophistication and significance.

Linking ICTs, SDGs and ESCRs

ESCRs are fundamental to development. They should be protected and promoted because of the impact which education, health, employment and the other dimensions of life included in them have on individuals and communities. They are supportive of, and supported by, civil and political rights, but are not subordinate to them.

¹⁰ These issues are discussed in Souter, D. (2012). *Human Rights and the Internet: A review of perceptions in human rights organisations*. APC. https://www.apc.org/en/system/files/HumanRightsAndTheInternet_20120627.pdf

Most of the rights in the ICESCR¹¹ require investment and policy commitment over a period of time. Their implementation is therefore closely interwoven with the strategic frameworks for development, resource mobilisation and infrastructure deployment that are adopted by governments and supported by international financial and development agencies.

The SDGs provide an appropriate framework for advocating and implementing economic, social and cultural rights within an overall approach to sustainable development which enhances economic prosperity, promotes social equity and facilitates the expression of cultural identity. While ESCRs are expressed in broad terms of principle, the SDGs also provide a framework of targets that could be considered to establish rights objectives and/or against which progress towards achieving these can be measured.

The principal areas in which SDGs and ESCRs intersect have been identified in a matrix which has been published online by the Danish Institute for Human Rights.¹² These are summarised in Table 1. In some cases, ICESCR rights are reinforced by rights in CEDAW and the CRC (Table 1).

It is not possible in this brief report to analyse the links between ICTs, ESCRs and SDGs in any detail. However, there is space to draw attention to three important aspects.

The adoption of SDG targets related to ESCRs

The first concerns the way in which the SDGs have provided specific targets by which progress towards some ESCRs can be monitored and measured. Health provides a good example of this. Article 12 of the ICESCR recognises the right of all to “the enjoyment of the highest attainable standard of physical and mental health,” efforts to reduce infant mortality, prevent disease and improve hygiene. SDG 3 establishes specific targets for the reduction of maternal and infant mortality, mortality through epidemic and non-communicable diseases, and other targets with health implications.

Other ESCRs are likewise translated into specific targets by the SDGs. ICTs are important in this context in two main ways. Firstly, ICTs can be used in ways which improve access to and delivery of rights/goals such as those for health and education – for instance, through health promotion and remote diagnosis, through open educational resources and school computer access. Secondly, ICTs can improve

the quality of data gathering and analysis through which progress – in respect of both rights and SDGs – can be measured more effectively.

The importance of ICT access in achieving ESCRs and SDGs

Access to the internet and other ICTs is crucial if they are to play these roles. The ICCPR grants people the right to “receive and impart information and ideas of all kinds.” That right underpins the ability of citizens to take advantage of the resources which the internet can make available to improve their health and education, social security and quality of life – economic, social and cultural rights which are included in the ICESCR. The ICESCR itself grants people the right to “enjoy the benefits of scientific progress and its applications,” which should include the benefits of access to the telecommunications infrastructure and services which underpin the internet. Access to those networks and services can, therefore, be considered necessary within the rights regime.

As well as access, though, it is necessary for governments and other stakeholders to leverage the potential of ICTs in order to advance the SDGs which facilitate ESCRs. Pervasive connectivity is needed to enable governments and other stakeholders to deliver services equally to all their citizens. And citizens themselves need access in order to take the opportunities for self-empowerment that are required by both rights and goals. Access, in this context, reaches far beyond pervasive connectivity. It also requires networks to be affordable, and requires that people have the capabilities to make full use of the resources which they make available, including literacy, technical and research skills. Achieving ESCRs in the information society requires policy makers to address these requirements.

The complexity of ICTs’ relationship with ESCRs

ICTs can have negative as well as positive impacts on both rights and developmental goals. The threat which ICTs pose to privacy (ICCPR Article 17) is well known. The World Bank has recently argued that “in many countries the internet has disproportionately benefited political elites.”¹³ While ICTs can support achievement of ESCRs, therefore, those rights may also need new types of protection.

11 The ICESCR has been reproduced in Annex I at the end of this edition of GISWatch.

12 *The Human Rights Guide to the SDGs*. sdg.humanrights.dk

13 World Bank. 2016). *World Development Report 2016: Digital Dividends*. www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2016/01/13/090224bo8405ea05/2_0/Rendered/PDF/Worlddevelopmentdigitaldividends.pdf

The employment rights set out in the ICESCR exemplify this challenge. Article 6 of the covenant recognises “the right to work,” including “the right of everyone to the opportunity to gain his [*sic*] living by work which he freely chooses or accepts,” while Article 7 adds to this “the right of everyone to the enjoyment of just and favourable conditions of work” including fair remuneration, health and safety requirements and equality of opportunity. Article 8 provides strong protection for trades unions. SDG 8, similarly, calls for “full and productive employment and decent work for all women and men,” and for the protection of labour rights in “safe and secure working environments.”¹⁴

There is, however, growing concern that the increasing digitalisation of economies will reduce employment opportunities, while more flexible employment arrangements in platform enterprises (sometimes called the “gig” economy) undermine job quality, remuneration and trade union membership. Much more research and analysis is needed to identify how employment rights can be sustained, and developmental goals achieved, in the rapidly changing work environment.

What is to be done?

The information society offers opportunities to enable economic, social and cultural rights, and their associated SDGs, in ways that were not possible before, but also has the potential to threaten rights. Unequal access to ICTs poses the risk that access to rights and to developmental outcomes will also prove unequal, undermining the achievement of greater equality which is crucial to sustainable development.

ICT stakeholders should aim *both* to maximise the potential value of ICTs for development and rights *and* to mitigate the problems that also arise.

Some of the gains for rights and goals which stem from ICTs are closely related to civil and political rights. For example, they enable greater access to information in areas such as health, education and agriculture, which individuals – as well as professionals – can use to make choices that will

enhance their lives and livelihoods. The interactivity which they facilitate enables people to share experiences, knowledge and concerns within groups as well as between individuals, fostering the kinds of solidarity which have lain at the root of trade unionism and wider community action. In areas such as health and education, food production and employment, social welfare and the family, improved access to information and experience can be critical to achieving economic, social and cultural as well as civil and political rights.

These factors illustrate the extent to which civil and political rights are linked to economic, social and cultural rights. The latter are, nevertheless, distinctive in important ways. The need for investment and progressive realisation of ESCRs means that they require a strategic, integrated approach which is consistent with the development agendas now being designed to implement the SDGs. The limited presence of ICTs within the SDGs, and therefore in those agendas, is potentially a problem. ICTs and the internet seem likely to have a much more powerful impact on SDG implementation than has been anticipated. They, too, need to be more deeply integrated in strategies for sustainability.

A crucial element in this is the need for greater dialogue and understanding between stakeholders involved in the three fields of activity discussed in this chapter – ICTs, rights and sustainable development. The multistakeholder approaches which have become more common in recent years in all three fields could help to stimulate this dialogue. So could the development of analytical frameworks to monitor progress towards the SDGs. Governments and development agencies could and should do more to involve the wide range of stakeholders within communities in governance processes which are transparent, accountable and adequately resourced. Civil society actors like APC can support this by continuing to emphasise the partnership between rights and development in the search for economic prosperity, social equity and environmental sustainability.

¹⁴ SDG 8, targets 8.5 and 8.7.

Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an “inventory of things” that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers’ rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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