

Research Report | XXVIII Annual Session

Human Rights Council

Measures to provide equal access to the internet



MODEL UNITED NATIONS
THE INTERNATIONAL SCHOOL OF THE HAGUE

Joost den Hoed
Teresa Peregrina Alba

Forum:	Human Rights Council
Issue:	Measures to provide equal access to the internet
Student Officer:	Joost den Hoed and Teresa Peregrina Alba
Position:	President and Deputy President

Introduction

The internet, first established in 1990, these are computer networks that are interconnected, following the Internet Protocol suite (TCP/IP.). This guarantees a global connection of devices to take place. Therefore, allowing a large concern of usage among Member states, the United Nations passed a resolution in April 2016 establishing that the use of internet to be a human right. This is directly associated with an individual's rights of self-expression, nations are obliged to openly authorize the access to the internet and certify its availability; nations are as well entitled to not disrupt the internet usage of an individual.

The increment in internet access is a key issue to take into consideration, as in accordance with the UN, it "facilitates vast opportunities for affordable and inclusive education globally" (*A/HRC/RES/26/13*) and allowing for the creation of more opportunities to enhance education, to be present; in particular among the nations that are in current development.

Definition of Key Terms

Net neutrality

Net neutrality can be defined as the dispute that surges concerning the management of data among Internet Service Providers (ISP's) that is then transferred throughout their networks. Essentially, net neutrality is the non-prejudice of the accessibility of data on the world wide web. Measures that make some data easier accessible than other harm net neutrality. Those measures could for example involve differences in processing speed or preferential search results.



Internet Source Provider (ISP)

ISP's have the ability of legally limiting personal actions of one's activity in the network, depending upon if the committed activity provokes a danger to the network. Therefore, besides being a mean to protect our safe use of internet, it also limits net-neutrality and is therefore a measure that might be wise to counter when promoting net neutrality.

Virtual Private Network (VPN)

VPN refers to the use of the technology in order to establish a connection that is both secure and encrypted. By securing data transfers, that same data is protected from governments and non-governmental organizations that pose a threat to the net neutrality.

Information and Communications Technology (ICT)

ICT can be defined as the use of telecommunications to guarantee data access supplied by technologies; these being the internet and wireless networks among other forms of communication.

General Overview

Right to internet access

As mentioned previously, the United Nations regards internet use as a basic human right and consequently this network is to be free and unbiased towards the user, in order to meet the UN standards, as stated in resolution (17/27, 2011).¹This is why, ISP's are required to not provoke any influence upon the data of a user or it will be considered as a violation of human rights.

Governments have the responsibility to provide internet access to their citizens and businesses and have to make the Internet widely available, accessible and affordable. Ensuring universal Internet access must be a priority, and governments have the obligation of ensuring that internet is used according to the guiding principles of freedom and security. The General Assembly of the United Nations declared access to Internet as a human right²because it is a tool that helps the growth and progress of society.

¹ resolution (17/27, 2011). Human Rights Council

² <https://www.accessnow.org/internet-rights-in-focus-38th-session-of-the-united-nations-human-rights-council/>



The UN stated that internet access must be granted by the States because it is a valued tool to exercise the right to freedom of expression and can only serve this purpose if the governments develop effective policies to achieve universal access and ensure the correct access. The use of the Internet is becoming essential for communication and a necessity for the globalization. Consequently, prohibiting or preventing access to the Internet could be considered a violation of human rights.

States have the obligation to recognize universal access to the Internet to ensure respect for other rights, such as the right to education or the right to assembly, recognizing the importance of online privacy.

Digital Divide

Digital divide refers to the gap between citizens and states that have access to up-to-date technology such as, television and Internet and those that don't have or have limited access to these technologies. With regards to this matter, the most relevant issue is the availability of internet at an affordable cost and with the proper quality. Digital divide, is acknowledged by both internet and ICT access. The most relevant issue discussed at hand pertains whether access is appropriate with regards to the quality and cost.

Although the number of citizens with access to the Internet continues to rise³, the digital divide also continues to grow at a large rate since technology is not currently accessible to everyone. Individuals with lower income, and poor education are not adopting the new technology as fast as higher income citizens, the gap is widening along economic and cultural areas.

Furthermore, the wealth distribution is unbalanced, and the access to internet is aggravating the situation. Those with access to the Internet are becoming more knowledgeable, dominant and influential while those without access are becoming weaker in terms of economic status.⁴

Current problems

The challenges that the world faces are as diverse as the people and cultures that define it. As the Internet grows, so do the problems related to its neutrality, security and the

³ <https://www.internetworldstats.com/stats.htm>

⁴ <https://www.businessinsider.com/study-shows-wealth-is-linked-to-internet-usage-2010-11?IR=T>



possibility of evolving in a constructive way. Society focuses on an extensive variety of problems related to the Internet.

An important debate among States is the protection of individual privacy. Protection on the internet access, may weaken the ability of governments to establish proper goals, since it could be considered an error to view the relativity between these problems and the internet. The preservation of personal privacy and collective security online is a political and social duty.

Net neutrality is other controversial aspect. Many government avoid the spending that net neutrality may require, alleging that private internet access providers should support the costs. The current global state of net neutrality varies significantly depending on the country. In northern European countries follow neutral internet laws. In comparison with other countries like China, the government exerts more control restricting competition interfering with the availability of information.

Major Parties Involved

United States of America

As the nation with the highest number of internet-connections, the USA is naturally involved in the issue. Previous presidents and their administrations such as Barack Obama's and even Bush Jr's stated that net neutrality should be maintained and/or protected more. With Donald Trump in the White House, this too changed.⁵The Federal Communications Commission (FCC) is the organizations that sees to the net neutrality in the USA. Trump ordered his law-makers to dismantle most of the recent measures established by the FCC. Furthermore, the head of his FCC transition-team made clear that, in the eyes of the Trump-administration, most of the reasons for having a FCC are no longer relevant. Some fora on the internet call this "the end of net-neutrality".

Russian Federation

Russian government recently sanctioned a law that prohibits the use of various technologies that allow people to anonymously surf the Internet and access non-permitted pages. According to the government this law does not intend to impose restrictions on

⁵ <https://www.vanityfair.com/news/2017/12/trump-fcc-chairman-destroying-net-neutrality-is-actually-fun-and-cool>



citizens who respect the law, but only seeks to block access to "illegal content". There are 82 million of internet users in Russia, which represents 66% of the population. However, the increase in Internet users has been declining in the last years but the Internet market has experienced a significant increase and has grown 46%. It is estimated that the economy related to the internet accounts for 2.2% of GDP. ⁶

The Federal Antimonopoly Service passed regulation concerning ISP's blockade in 2016; this pertains against the blocking of any website, excluding those that are requested by the Service itself; helping to preserve the net neutrality in Russia.

There is a registry of prohibited websites, but the reasons for the blockade caused by ISP can be diverse; the criteria are as follows: dissemination of extremist content, pornography, information on forms of suicide and distribution of drugs. You can also close a website by calling to participate in unauthorized demonstrations, for infringement of copyright and for the publication of any other information that has been prohibited. Among the forbidden technologies are virtual private networks (VPNs), which allow changing the IP address and thus avoid geographic restrictions on websites. VPNs are used, for example, to access Facebook, Google, Twitter or Instagram, which are not legally allowed because they have not accepted the conditions set by the Russian administration.

People's republic of China

Internet users in China, have limited access to the information, almost all foreign websites are blocked by their censorship called the Great Firewall of China; among these is Google and Facebook. The internal economy of the internet within China has flourished in correspondence with its support for domestic companies; further the firewall accomplishes the goal of decreasing foreign products, due to the lessening efficiency produced among internet companies.

Within this country, there are no legislations concerning net neutrality⁷. The government within China is in support with its ISP's, in order for the country to continue in expansion with its influence and power.

The usage of internet censorship is known to provide the most restriction, caused by the several legislations and regulations set by the government; these accounting for more than 60 laws. These are accountant for the restriction of websites, and as well monitoring

⁶ <https://www.statista.com/statistics/567007/predicted-number-of-internet-users-in-russia/>

⁷ https://www.watchdog.org/opinion/china-has-net-neutrality-government-control-of-internet-coming-to/article_e65d2e8f-4f77-5000-8ac1-59267b21b27f.html



one's activity on the internet. The government argues that according to their legislations, they are legally able to take control of the internet within their own country. However, due to this censorship, several have necessitated an additional tool to access the restricted websites; this being the use of VPN that permits individuals to get passed the firewall, and obtain privacy due to the ISP's not being able to track their activity.

European Union

The legislations regarding net neutrality was first created by the European Union. Under the EU Charter of Fundamental rights, there is article 3 of Regulation (EU) 2015/2120, in which states that there is to be no control internet traffic by ISP's, more clearly expressed as "traffic should be treated equally, without discrimination, restriction or interference, independent of the sender, receiver, type, content, device, service or application" (EU, 2015). The net neutrality law was signed early by the Netherlands among other member states. This law pertains that the usage of VoIP (Voice Over Internet Protocol) will not be of more expense and will stop mobile operators from doing this.

India

India is the second largest country by internet users, with over 460 million people, just behind China. However, this quantity represents only the 26 percent of the population, although the percentage of users is increasing rapidly.⁸ In spite of these figures, there are no proper laws governing internet neutrality in India, and some violations of neutrality have been noted by some service providers, such as charging some additional fees for making voice calls (VoIP) through WhatsApp or Skype or limiting the use of Facebook or Instagram.

There are some Regulatory Authority recommendations to adhere the principle of non-discriminatory treatment for the contents and avoid fast lanes for specific sources. That means no blocking or controlling contents, and no fast lanes for some internet sources nor special privileges. Also, the Regulatory Authority has suggested the creation of a committee to ensure net neutrality across the country.

National Congress of Chile

Chile became the first country to approve of a legislation regarding network neutrality; having surged after the establishment of propaganda through the means of social networks.

⁹This legislation, in particular three of the articles from the General Law of

⁸ <https://www.statista.com/topics/2157/internet-usage-in-india/>

⁹ BEREC (2015)



Telecommunications concern the activity of ISP's, not allowing them to conduct any interference whatsoever on the legality of the user's internet usage. Therefore, ISP's are requested to display all content that complies with the legislation.

Timeline of Key Events

Timeline of events in reverse chronological order leading up to present day.

Date	Description of Event
June 2018	U.S.A repeals Net Neutrality
August 2017	U.S.A.'s FCC publishes thousands of complaint-files regarding net neutrality
2005	Network Neutrality, an administrative rule that keeps the proprietors from the web from 'discriminating' individuals or clients, is established
June 2003	The term net neutralist is introduced by professor Tim Wu
1999	Creation of WiFi, ensuring people to use open networks in and outside their homes and offices
August 6th 1991	Public access to the former scientific network of CERN, the World Wide Web (WWW). Nowadays seen as the birth of modern internet.
1990	The World comes on-line (world.std.com), becoming the first commercial provider of Internet dial-up access
1976	H.M. Queen Elizabeth II is the first person ever to send an e-mail

Previous Attempts to Resolve the Issue

UN Sustainable goals

The Sustainable goals were set by the United Nations as objectives to be in completion by 2030. More specifically goal 9 (c) addresses the issue of pertaining internet

access in countries that are in current development by 2020. In accordance with target 1.4, states that both men and women are to attain equal rights to the access to services, in particular technology. Furthermore, the enhancement of technology and ICT's was pledged as stated by Target 5 (b); that are directly involved with education and economic growth among other aspects, the UN stated that availability of technology will serve as "great potential to accelerate human progress."

- The UN Special Rapporteur on the right to freedom of Opinion and expression (17/27, 2011) concerns net neutrality and the UN's views upon this topic

- A/HRC/RES/26/13

Possible Solutions

Internet access locations

Since digital divide is a growing concern, globalization could suffer from its consequences in the future. Since the areas where digital divide is the most present have a rapidly growing population, the number of effected people isn't likely to decrease by itself. A short term solution towards a more equally connected world could be the establishment of internet access locations in remote areas with poor internet coverage. This will also help in areas such as slums where inhabitants aren't financially capable of obtaining devices. Community-buildings such as town halls can feature the free or low-fare access points. This might even positively contribute to social cohesion.

Laptops for school going children

Government-sponsored programs to ensure that every school-going child has access to a laptop that is to be used primarily for educational purposes but can also be used by other family members in order to ensure equal access to the worldwide web. This is also limiting digital divide as more and more less-wealthy people can also obtain devises and stay connected through educational institutes.



Ban on fast lanes

One way in which net neutrality can be damaged is the creation of the so called “fast lanes” on the internet. Creating differences in processing speed is essentially prejudice and therefore a direct way of creating a situation with unequal accessible data.. Practices such as censorship go often hand in hand with the non-existence of net neutrality. Officially, the fast lanes are called “paid prioritization,”. It’s when an internet provider such as Verizon or Comcast decides to charge services like YouTube or Amazon for faster access to users. Organizations and on line authors that decline to pay up could wind up in overcrowded slow lanes. This would harm the freedom of speech. The establishing of a ban is a process that have to take place in national politics for it might conflict with the interests of national governments

The establishment of an international watchdog on net neutrality

Even though net neutrality is always a national affair seeing that the acting parties are national governments, the effected parties are almost always internationally based. If a country with limited net neutrality bans certain sites or limits its processing speed, it excludes for example the international recipients of the information broadcasted by that forum. Also, governments could not grant the so called “paid prioritization” to news forums that criticize the governments actions and policy, it damages the freedom of speech and the free press, all basic human rights. By creating an international watchdog organization that keeps an eye on the fair distribution of internet-rights and net neutrality, it might be possible to ensure international net neutrality. The findings of such a body should have consequences for it not to be a toothless organization. However, sanctions might infringe with national sovereignty. Effective sanctions might include internet trade related taxes and/or other financial punishments.

Appendices

Appendix 1: The history and elaborate information on net neutrality:

<https://www.youtube.com/watch?v=q1o2MXA9rhg>



Appendix 2: Networks and data streams explained. The international debate surrounding net neutrality and unregulated access

<https://www.youtube.com/watch?v=G35g5HQVjpU>

Bibliography

1. On The Commons, David Morris, 4 may 2014, <http://www.onthecommons.org/magazine/how-save-equal-access-internet#sthash.JvuPamSA.dpbs>
2. Perkins, Edward. UN: Internet Is a Human Right. 1st ed., vol. 1, ser. 1, A Human Right, 2016, pp. 1–2, UN: Internet Is a Human Right
3. Wikipedia, multiple authors, 13 Aug. 2018, [Wikipedia](https://en.wikipedia.org/wiki/Net_neutrality) https://en.wikipedia.org/wiki/Net_neutrality
4. The Informant Society, author unknown, 9 June 2018, <https://www.internetworldstats.com/links10.htm>
5. BEREC, author unknown, 2015, https://berec.europa.eu/eng/netneutrality/specialised_services/
6. WSIS, multiple authors, 22 Jan. 2015, <http://www.itu.int/net/wsis/>
7. HRC/RES/62/13, members of the HRC, 14 June 2015, http://hrlibrary.umn.edu/hrcouncil_res26-13.pdf
8. Watchdog, Tom Balek, 23 Feb. 2015, www.watchdog.org/opinion/china-has-net-neutrality-government-control-of-internet-coming-to/article_e65d2e8f-4f77-5000-8ac1-59267b21b27f.html
9. CNBC, Shaheli Roy Choudhury, 26 Oct. 2017, <https://www.cnbc.com/2017/10/26/china-internet-censorship-new-crackdowns-and-rules-are-here-to-stay.html>

