

Chapter 1

Right to Internet

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ABSTRACT

With the growth and development in technology, one of the most significant changes has been the commercialisation of Internet. There has been a revolution in Internet technology with the International Convention on Civil and Political Rights recognizing “Right to Internet” as a human right. There are countries like Antigua and Barbuda, Angola, Armenia, Colombia, the Czech Republic, the Dominican Republic, Estonia, Finland, France, Iceland, Liechtenstein, Panama, Poland, Peru, South Africa, Turkey, Trinidad and Tobago, Slovakia, and the United Kingdom, which already have legislations promoting the cause of Internet to every citizen. This chapter aims to study the implementation and utility of the right to Internet being recognized as a fundamental right and the principles behind it. It also intends to study the method of implementation of this right keeping in mind the situation prevalent in China, which restricts Internet usage. The chapter would also make suggestion with regards to the remedies available to the people in the cases of the countries not recognizing the right.

INTRODUCTION

Internet first originated for the purpose of transferring data from one computer to another via networking. With time, evolution, and popularity, it spread across the globe interconnecting every continent, every country, and every city. Today Internet serves as a powerful tool of communication. It is immensely powerful because it has brought the world closer with its speed and coverage. According to the International Telecommunication Union, the total number of

Internet users worldwide is now over 2 billion (ITU, 2011). Active users of Facebook, a social networking site, grew from 150 million to 600 million between 2009 and 2011. There has been a rapid increase in the availability of Internet across the world with the governments worldwide making an effort to provide the infrastructure necessary for enabling Internet access to the masses. An increase in Internet access resulting in increase in connectivity across the world would enhance the power of freedom of expression immensely. It is capable of bringing about revolution in minutes.

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This is practically the reason Internet has been under scrutiny by the governments off lately. Thus, a need has been felt to provide for unhindered Internet access across the world to everyone equally. There have been various conferences and seminars internationally to make Internet access a fundamental right. This is a two-step process firstly ensuring the infrastructure is available so as to provide Internet access to everyone. Secondly with regards to access to content online, that is, only limited censorship so as to facilitate freedom of speech and expression. The recognition of right to Internet as fundamental right has made it immensely powerful since it provides increasing transparency in the conduct of the powerful, access to information, and for facilitating active citizen participation in building democratic societies. In the recent past Middle East and North African regions had protests against the government which were fuelled by the Internet revolution. Internet requires global Internet regulation as there is a lack of effective national measures to combat spam or cybercrime. Any country outside of global regulation could become a “safe haven” for those intending to defy globally adopted Internet rules. There has to be a clear distinction between

global relations and regional regulations. These regulations need to clearly lay down the duties and responsibilities of governments locally and globally. This would ensure harmony and would facilitate unhindered access to legitimate Internet content globally. For the regulation of Internet by the governments, a combination of technology and legislation is needed. The legislations of various governments need to be formed in coordination so as to ensure what is right in one nation would be correct in another and vice versa (see Table 1).

RIGHT TO INTERNET AS A HUMAN RIGHT

Right to Internet is not stated explicitly as a fundamental right however, Universal Declaration of Human Rights¹, International Covenant on Civil and Political Rights² and European Convention for the Protection of Human Rights and Fundamental Freedoms³ all of these instruments bear the following principles of fundamental right:

1. Everyone shall have the right to hold opinions without interference;

Table 1. World internet usage and population statistics (December 31, 2011)

| World Regions | Population (2011 est.) | Internet Users Dec. 31, 2000 | Internet Users Latest Data | Penetration (% Population) | Growth 2000-2011 | Users % of Table |
|-------------------------|-------------------------------|-------------------------------------|-----------------------------------|-----------------------------------|-------------------------|-------------------------|
| Africa | 1,037,524,058 | 4,514,400 | 139,875,242 | 13.5% | 2,988.4% | 6.2% |
| Asia | 3,879,740,877 | 114,304,000 | 1,016,799,076 | 26.2% | 789.6% | 44.8% |
| Europe | 816,426,346 | 105,096,093 | 500,723,686 | 61.3% | 376.4% | 22.1% |
| Middle East | 216,258,843 | 3,284,800 | 77,020,995 | 35.6% | 2,244.8% | 3.4% |
| North America | 347,394,870 | 108,096,800 | 273,067,546 | 78.6% | 152.6% | 12.0% |
| Latin America/Caribbean | 597,283,165 | 18,068,919 | 235,819,740 | 39.5% | 1,205.1% | 10.4% |
| Oceania/Australia | 35,426,995 | 7,620,480 | 23,927,457 | 67.5% | 214.0% | 1.1% |
| World Total | 6,930,055,154 | 360,985,492 | 2,267,233,742 | 32.7% | 528.1% | 100.0% |

NOTES: (1) Internet Usage and World Population statistics are for December 31, 2011. (2) CLICK on each world region name for detailed regional usage information. (3) Demographic (Population) numbers are based on data from the US Census Bureau and local census agencies. (4) Internet usage information comes for data published by: Nielsen Online, the International Telecommunications Union, GfK, local regulators, and other reliable sources. (5) For definitions, disclaimers, and navigation help, please refer to the Site surfing Guide. (6) Information in this site may be cited, giving the due credit to www.internetworldstats.com ©2001-2012, Miniwatts Marketing Group. All rights reserved worldwide.

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