

Rights of the electronic citizen

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Rights of the electronic citizen.

We are living in an electronic age that raises new challenges to our perception and promotion of human rights. Online communication, media and technology are changing the way we learn, socialise, work, interact, trade, organise and so on. We are only at the verge of knowing what implications this will have for fundamental human rights and the way we live together in the future. There are many complex questions that need to be answered. Here are just a few.

Q. How do we balance public safety and individual well being in the digital universe?

In the global village, each individual has rights to freedom of liberty, expression and conscience guaranteed by the UN Declaration of Human Rights (1948). However these rights are routinely and continually suspended by national governments and exclusions negotiated by private interest groups.

Q. How do we establish rights that are based on universal principles and are upheld by governments and private enterprise across new electronic borders?

Traditionally a key mechanism for upholding rights has been the judicial system, however, the speed and boundary hopping power of electronic systems means that legal systems represent a localised, often long term solution for the worst kind of abuses. The legal timeframe is always much longer than the technological one. This is not an adequate solution. Clearly a new class of rights and mechanisms for their protection are necessary, catering for a new electronically-enabled citizen.

New form.

Consider for one moment this new form of communication. Traditional broadcasting is a one way, one-to-many activity which can be subjected to a range of controls and constraints. Whereas digital media is a two way many-to-many activity in which senders and receivers interchange roles. By its very nature it is uncontrollable in many respects.

Q. Can we apply existing standards and social norms to this new world?

Information Moguls.

Information providers have taken on a significantly important role in the digital universe. These providers can be uncontrollable by governments because of their global reach and operation. Such providers have great power and influence through deciding information content and format.

Q. Is society's over dependence on such information moguls acceptable?

Digital divide.

Information is the new life blood of society and its organisations, and our dependence grows daily with the advance of computer technology and its global application. Information empowers those who have it; but it also disenfranchises those who do not. Wealth and power flow to the "information rich", those who create and use computing technologies successfully. They are primarily well-educated citizens of industrialised nations. The "information poor" - both in industrialised countries and in the developing world - are falling further and further behind.

Q. Is it right that we tend to promote this divide by our inaction in many cases and by our unwitting activity in others?

Communication.

Let us turn to communication. Article 19 of Declaration of Human Rights states that, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Whilst Article 5 states, "No one shall be subjected ... to cruel, inhuman or degrading treatment"

Q. How do we balance freedom of speech on the Internet and use of the Internet for purpose of incitement of racial hatred, racist propaganda, homophobia, xenophobia and related intolerance?

In the name of protecting some civil or human rights, some governments appear to reduce the value and freedom of other rights. For example, "Human Rights Watch reported that Chinese authorities have issued more than sixty sets of regulations to govern Internet content since the government began permitting commercial Internet accounts in 1995. ... describes recent Chinese efforts to police Internet cafes ... cases of several people put on trial or sentenced to prison for downloading or posting politically sensitive material on the web." Human Rights News, September 2001.

Blocking, filtering, and labelling techniques can restrict freedom of expression and limit access to information. Government-mandated use of such systems violates rights

regarding freedom of speech. Global rating or labelling systems reduce significantly the free flow of information. Efforts to force all Internet speech to be labelled or rated according to a single classification system distort the fundamental cultural diversity of the Internet and potentially lead to domination of one set of political or moral viewpoints.

Q. Is it right to employ such techniques in a universal manner?

Self-regulatory controls over Internet content have been promoted by some as an alternative to government regulation. In effect Internet Service Providers, as a group, are being asked to regulate the speech of their customers. The role of an ISP is crucial for access to the Internet and because of the crucial role that they play; ISPs have been targeted by law enforcement agencies in many countries to act as content censors. ISPs should provide law enforcement reasonable assistance in investigating criminal activity, confusing the role of private companies and police authorities risks substantial violation of individual rights (The Internet and Human Rights: An Overview, The Center For Democracy & Technology, January 5, 2000).

Q. Is it right that ISPs become de facto censors?

“Both self-regulatory and technical solutions are two-edged swords, which can be used to defend information freedom - or to curb it. The government of Singapore, for instance, uses filtering systems to police and censor the Internet. Few would argue with parents’ right to protect children from illegal and harmful content at home and at school. But what of those prohibitive parents who regard information about worldviews which challenge their own - evolution or atheism, for example - as harmful? ICT thus raises very complex and interesting questions about the application of fundamental freedoms, which require much further debate.” A European Way for the Information Society, Report of the Information Society Forum, 2000.

Conclusion.

A new information society should be based on fundamental assumptions about information and human information rights, access, privacy, self-determination, personal control and not privilege, power, special interest. According to The Centre for Democracy & Technology in their report “The Internet and Human Rights: An Overview”, January 5, 2000 governments should subscribe to certain core principles regarding electronic rights.

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