

Legal Regulation & Education: Doing the Right Thing?

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Equal Access to the Internet: A human rights analysis

Since the 1990s the term “digital divide” has been used to indicate unequal access to technology developing between existing socio-economic sectors of society. Equality and a lack of discrimination are fundamental provisions of international human rights instruments such as the UDHR and the ECHR. It is argued that unequal access to the Internet can serve to marginalise already marginalised groups further. Through e-government initiatives, States are moving towards delivery of public services and information online and commercial enterprises are increasingly harnessing the Internet as a way of delivering products and services. Furthermore, the Internet’s ability to support global communication has revolutionised the potential for marginalised groups to have a stronger voice and to press for change. Research has indicated a lack of equality of access among groups dividing along numerous lines such as gender, race, geography and disability. Unequal access to the Internet is a multi-faceted issue as it relates to issues both linked to “real world” inequality such as the ability to afford an Internet connection and a lack of education and also to the architecture of the Internet itself, such as the design of the code and content layer to support access to disabled people. This paper will present a realistic analysis of how a general right of equal access could function in reality given key interlinked challenges. Finally, this paper will move away from a focus on equality of access towards a discussion of a potential general human right of access to the Internet and whether or not this would be both feasible and/or useful in the shaping of the technology’s development.