

The Right of Access to the Internet in International Law and Human Rights

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Abstract

Individuals' access to the Internet has become a central issue in the field of communications law due to its close connection with the realization of human rights and fundamental freedoms, as well as its role in fulfilling social needs and interests. Today, at both the international and national levels, Internet access is widely discussed from cultural, social, economic, legal, and political perspectives. In this context, the United Nations General Assembly adopted a non-binding resolution in 2016 titled "The promotion, protection and enjoyment of human rights on the Internet." This resolution acknowledges the importance of the Internet and emphasizes the protection of individuals' right to access it. Given the increasing importance of this technology in contemporary society, a crucial question arises: How can the right to Internet access be conceptualized as a human right within the international legal system? This research seeks to answer that question through an examination and analytical interpretation of the Universal Declaration of Human Rights (UDHR). Employing a descriptive–analytical method, the study explores how existing human rights frameworks support the recognition of Internet access as a fundamental right necessary for the exercise of other basic freedoms.

Keywords: right of access to the Internet, human rights, international legal system, people's rights.

Extended Abstract

In recent decades, access to the Internet has become a critical issue globally, intertwining with the realization of human rights and the fulfillment of essential social needs. As an essential tool for communication, education, social, and economic participation, the right to access the Internet is increasingly seen as fundamental to the exercise of other human rights. This research explores the evolving recognition of the right to access the Internet as a human right within international law, focusing on how it aligns with existing frameworks for human rights protection, particularly those outlined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

The study is conducted using a descriptive-analytical approach, reviewing key international legal instruments, such as the UDHR, ICCPR, and regional human rights conventions. It examines the evolving understanding of the Internet as a critical enabler of rights like freedom of expression, the right to education, and the right to access information. The research also discusses the legal frameworks that support the notion that access to the Internet should be a fundamental human right, drawing on the United Nations' 2016 resolution on the promotion, protection, and enjoyment of human rights on the Internet.

A crucial aspect of the paper is the analysis of the implications of Internet access for the exercise of other human rights, such as the right to education and the right to participate in cultural, social, and economic life. The study highlights the increasing recognition by several countries that access

to the Internet is essential for fulfilling these rights. It also considers the challenges posed by issues such as digital divides, censorship, and the uneven distribution of Internet access globally.

The paper further examines the role of Internet access in facilitating democratic participation and transparency, especially in developing societies. The increasing role of digital platforms in political engagement, public debates, and the spread of information is explored, with a focus on how the Internet can enhance or hinder democratic processes depending on how it is regulated. The study also considers the ethical dimensions of Internet governance, including the responsibilities of states, corporations, and international organizations in ensuring equitable access.

In conclusion, the research argues that access to the Internet should be recognized as a fundamental human right, necessary for the full exercise of other freedoms. It suggests that international legal frameworks must be adapted to ensure that Internet access is not only recognized as a right but also protected against undue restrictions. The study calls for the development of a comprehensive international framework to support universal Internet access, ensuring that all individuals, regardless of geography, income, or social status, can participate fully in the global digital society.

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