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The Nexus between ICTs and Human Rights in Africa in Rwanda*

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The Nexus between Human Rights and ICTs

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"Rapid changes and new developments in technology have improved our ability to communicate and spread the human rights message around the world. The fact that some racist groups have misused the Internet to spread repugnant hate speech needs to be addressed urgently. In considering this issue, however, we must keep in mind that the right of freedom of expression is a precious fundamental right - any attempt to restrict it must be approached with absolute care and considered within the strict parameters of human rights norms."

- Mary Robinson, High Commissioner
for Human Rights

1. Introduction

Approaching ICT from a human rights perspective is paramount to creating an environment to benefit the humankind. The creation of a common ground for human rights and ICTs was forged at the United Nations Millennium Summit. The participants in this summit resolved in a declaration common global commitments to the protection of the vulnerable, the alleviation of poverty, and the rectification of corrupt structures and processes especially in those countries in which there is dearth of 'rule of law'. This important summit asserted the determination of world leaders to "spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development".² The bone of contention here is does the information revolution enhance the protection of human rights or does it empower the coercive control of repressive regimes in violating human rights? The normative motivation behind this paper is based on the recognition that the revolution in ICTs is a double edged sword. ICTs if properly used can result in the enhancement of human rights. On the other hand, this revolution in ICTs can lead to violators of human rights especially authoritarian governments doing so since they benefit from sophisticated tools to censor and control digital information. The use of ICTs

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² "United Nations Millennium Declaration", Adopted by the UN General Assembly (September 2000), Link: <http://www.un.org/millennium/declaration/ares552e.htm>.

vis-à-vis human rights is like the purposes a gun is used for: giving a loaded gun to a drunk would endanger the lives of people around him/her at the same time; a gun can be used to protect the lives of those in danger.

This paper focuses on the nexus between human rights and ICTs with a focus on viewing the information revolution in the perspective of human rights.

2. ICTs and Human Rights

According to Sandy Vogelgesang “there is nothing new about man’s inhumanity to man. What is new is the known scale of violations. Modern communications... put a global spotlight on once invisible victims of repression”.³The argument here which forms the core of this paper is that ICTs are just tools which are at the disposal of humans to use. Depending on how they are used, they can enhance human rights or be utilised to violate human rights. Does the ICT revolution empower the coercive control of repressive regimes at the expense of human rights? Or, does the advent of modern ICTs threaten authoritarian control and hence enhance human right?

Individuals, NGOs, national governments, and supranational institutions have at present time been empowered the means to effectively communicate stories, agendas, laws and agreements in as far as enhancing human rights are concerned. In fact, the use of ICTs such as internet may facilitate the networking and mobilization of the abovementioned entities working transboundary as a countervailing force for human rights, providing global platform for opposition forces challenging authoritative regimes and dictatorships, despite efforts by such governments to restrict or monitor access.⁴

³ Sandy Vogelgesang, “Diplomacy of Human Rights”, *International Studies Quarterly* 23, 2 (Special Issue on Human Rights: International Perspectives) (June, 1979), 219.

⁴ J. M. Ayres, “From the streets to the Internet: The cyber-diffusion of contention,” *Annals of the American Academy of Political and Social Science* 566 (1999): 132-143, quoted in Pippa Norris, *Digital Divide? Civic Engagement, Information Poverty & the Internet in Democratic Societies* (New York: Cambridge University Press, 2001), 6, Link : <http://ksghome.harvard.edu/~pnorris.shorenstein.ksg/acrobat/digitalch1.pdf>

ICTs have also permeated the structural workings of the international system, facilitating the flow of information vital to the enhancement of human rights. It goes without saying that in the human rights arena "... there has been a clear shift in attitudes towards human rights protection by Members States (UN). Once considered to be the sole territory of sovereign states, the protection of human rights is now viewed as universal concern..."⁵ ICTs has the potential of facilitating this universality of protection of human rights by broadening of the scope and perspective in a manner that empower all those who utilise them. The evolving relationship of stakeholders in the enhancement of human rights has been enhanced and strengthened by ICTs.

ICTs have tremendously allowed different entities involved in the issues of human rights to gather and share information with regards to the domain.⁶ International researchers have made systematic, comparative analysis of patterns of human rights violations. A vivid example is that of Dr. Patrick Ball, Deputy Director of the Science and Human Rights Program with the American Association for the Advancement of Science is specifically concerned with the design of information management systems used for the provision of quantitative analysis for projects of truth commissions and human rights, grassroots human rights NGOs, monitoring missions etc.⁷ Such use of ICTs has led to real world violations of human rights to be communicated to the realm of factual, accessible information and data.

⁵ "Road Map Towards the implementation of the United Nations Millennium Declaration", A/56/326, Report of the Secretary-General, UN General Assembly, 56th session (September 6, 2001), 37.

⁶ For examples of entities involved in human rights activities by use of ICTs are: *Human Rights Watch* (www.hrw.org); *Amnesty International* (www.amnesty.org); *Derechos* (www.derechos.org / www.derechos.net); *OneWorld.net* (www.oneworld.net); *The Panos Institute* (www.panos.org); *Reporters sans Frontières* (www.rsf.fr); *Freedom House* (www.freedomhouse.org); *Fahamu.org* (www.fahamu.org); *The Institute for Global Communications* (www.igc.org); *Witness.org* (www.witness.org);

⁷ Patrick Ball, "Who Did What to Whom? Planning and Implementing a Large Scale Human Rights Data Project", *The American Association for the Advancement of Science* (1996), Link: <http://shr.aaas.org/www/contents.html>.

According to Alleyne, "new communications technologies, especially satellite TV, now seem to serve the same purpose in international politics as they do at the domestic level. Tyrannical behaviour can be exposed, dissident opinions can be aired, and public opinion can be relayed back to governments".⁸ Rights associated with communication such as freedom of communication, right to information, free elections, freedom of associations can tremendously be enhanced and monitored by ICTs. ICTs have been used to monitor elections in order to deter elections irregularities. Freedom of expression and information is vital to democratic, pluralistic systems and can be made highly effective by application of ICTs.

ICTs have and possess potentiality of serving multiple functions for organizations fighting for human rights, including but not limited to, email lobbying of elected representatives, public officials, and policy elites, networking of related associations and organizations, mobilizing organizers, activists and members using action alerts, newsletters and emails, raising funds and recruiting supporters etc.⁹ ICTs such as internet have been used by human rights activists for purposes of transnational advocacy networks through diverse campaigns against sale and use of landmines which undermine the right to life, environmental rights campaigners in opposition of genetically modified foods, anti-sweatshop campaigns etc.¹⁰ Arguably, the extent to which there is freedom of press is functioning free press indicates the likelihood that human rights are going to be impacted upon effectively through ICTs.

However much ICTs have been and can be used to protect human rights, a wide array of governments throughout the world have consistently continued to

⁸ Mark D. Alleyne, "Thinking About the International System in the 'Information Age': Theoretical Assumptions and Contradictions", *Journal of Peace Research* 31, 4 (1994): 413-4.

⁹ Norris, Pippa, *Democratic Phoenix: Political Activism Worldwide*, (New York: Cambridge University Press, available September 2002), 10, Link: <http://ksghome.harvard.edu/~.pnorris.shorenstein.ksg/ACROBAT/everyvoice/Chapter10.pdf>.

¹⁰ *Idem*.

utilise various tools such as licensing, limits on access to newsprint, control over government advertising, jamming, and censorship, to inhibit fundamental human rights. Some governments have continued to develop means to monitor e-mail thus infringing the fundamental right of privacy as well as restrict internet use or access to controversial, political, news oriented and human rights websites.¹¹ Arguably, the extent to which there is freedom of press is functioning free press indicates the likelihood that human rights are going to be impacted upon effectively through ICTs. ICTs have been used by certain groups to disseminate hateful and violent messages since it has become easier and faster. During the aftermath of the recent Kenya elections, frightening text messages started circulating, for example, "Fellow Kenyans, the Kikuyu's have stolen our children's future...we must deal with them in a way they understand...violence." In reaction, another read, "No more innocent Kikuyu blood will be shed. We will slaughter them right here in the capital city. For justice, compile a list of Luo's you know...we will give you numbers to text this information."¹² Kofi Annan points out that "the same internet that has facilitated the spread of human rights and good governance norms has also been a conduit for propagating intolerance and has diffused necessary for building weapons of terror".¹³ ICTs have been and can potential be used by hate groups such as terrorists to encourage violence and disseminate information that may cause terror and fear. ICTs has at times been used in such a manner that it has led to detrimental protection of human rights where such facilities have been used to incite ethnic tensions and murder on a mass scale. Extremists in the military, the government, and other communities have been responsible in the widespread use of ICTs to achieve their political aims.

¹¹ "1999 Country Reports on Human Rights Practices", *U.S. Department of State* (February 25, 2000), Link:

http://www.state.gov/www/global/human_rights/1999_hrp_report/overview.html.

¹² Ofeibea Quist-Arcton, "Text Messages Used To Incite Violence in Kenya," *NPR News*, <http://www.npr.org/templates/story/story.php?storyId=19188853>.

¹³ Kofi A. Annan, "Globalization and Governance", *Millennium Report of the Secretary General of the United Nations*, (United Nations, 2000), Link: <http://www.un.org/millennium/sg/report/ch1.pdf>.

4. The Nexus between Human Rights and ICTs: The Case of Rwanda

Recently, the security organs of Rwanda convened in a collective search to come up with suggestions of draft legislation allowing them to be able to use information obtained by means of tapping of emails and telephones. For the organs, the critical issue was how to use such information in cases where the said information may be used to impede an imminent danger to the society. Such imminent dangers envisaged included mainly terrorist acts and hate campaign which may lead to crimes such as genocide and crimes against humanity. The organs also proposed that Rwanda should adopt the use of CCTVs on streets and in other potentially strategic points.

Most of the Rwandans recognise the tremendous challenges the world and most especially Rwanda is facing with the advent of the ICTs. Rwandans are concerned with the security at the moment given the historical background and any proposal to enhance the security is always received with enthusiasm. However, certain individuals and entities have suggested albeit passively and at times indirectly the importance of thinking about the potential violation of human rights in the uses of ICTs. A vivid example is the National University of Rwanda. At the University, a course entitled Bachelors in information Technology in Applied Management (BITAM) has been introduced. Part of the course is known as ethical use of ICTs. In this section of the course, students are introduced to concepts of the nexus of ICTs and human rights. However, it is important to note that this notion is given less importance compared to other aspects of the course. Also certain newspapers have raised the thorny issue of protecting Human Rights in the use of ICTs and more especially by the security organs.¹⁴It would be valid to assert that at the moment, the issue of the nexus between ICTs and human rights is not yet hotly debated. But action on the challenges of potential human rights violations due to the irevolution cannot be delayed until the real problems start emerging. At a time like this when the domestic agenda of Rwanda is to use ICTs for development and enhancing security, the

¹⁴ See, *Umeseso* (A Rwandan Newspaper.....)

temptation to avoid the issue of potential violation of human rights is high. This would be self-defeating. In order for any policy for use of ICTs for developmental and security issues to be sustainable, it should seriously take into consideration the human rights perspective. Thus, the Human Rights perspective on the use of ICTs should not be viewed as an impediment to use such technology to enhance development and security; it should be seen as part of the solution.

Interestingly, this debate comes at the time when Rwanda is at its best shape since independence. Rwanda has positioned itself as one of the countries where innovative approaches to solving emerging problems are welcomed. It is true that in Rwanda, the use of ICTs have not been seriously considered as potential source of human rights violation but the indirect effects of ICTs on human rights magnitude is hard to fathom at this point. This leads to the fact that the nexus between ICTs and human rights in Rwanda is an uncharted territory. Yet it doesn't have to be like this- specific initiatives to maintain the use of ICTs yet taking into consideration the human rights perspective should be part of any Rwandan policy and legislation in as far as utilisation of ICTs is concerned. However, in order to achieve this goal, this is where such initiatives as this one presented by the civil society is important. Such initiative influence legislation and policy making. As the use of ICTs is increasing tremendously in Rwanda, the government must be ready to do more to safeguard human rights. The challenges facing human rights in the use of ICTs is unique. It calls for exceptional responses and leadership which is present at the moment in Rwanda. This initiative provided in this forum offers an opportunity for a new departure for Rwanda in as far as the nexus between ICTs and human rights is concerned.

3. Conclusion

Borrowing from the words of Aldous Huxley, referring to mass communication, "Mass Communication (read ICTs), in a word, is neither good nor bad; it is simply a force and, like any other force, it can be used well or ill. Used in one way, the press, the radion and the cinema (read ICTs) are indispensable to the survival of democracy. Used in another way, they are among the most powerful weapons

in the dictator's armory".¹⁵ Even though Huxley was referring to mass media in particular, the same is true of ICTs as a whole. Just like any other forces such as electricity, water etc, if used efficiently, they are beneficial for humankind, if utilised disastrously then they are detrimental to humankind. For example, from the ICT perspective of Human Rights, there is requirement of a simultaneous openness and respect of privacy. ICTs can facilitate open government and more participative democracy. They have been used very effectively by campaigners for improved human rights globally, but they have also been used by authoritarian regimes to control the information flow leading to jeopardy for individual right to privacy. In this sense censorship is to be resisted, but on the other hand, if the censorship is used to deter pornography, terrorism and hate campaign, then it is welcome if it is done in good faith.

This Paper has endeavoured to demonstrate that ICTs can either be used negatively i.e hate campaigns or positively by human rights campaigners since the revolution has lowered the barriers and increased the opportunities for flow of information. In a nutshell, the ICTs can be a force for good or bad in as far as human rights are concerned depending on how, who and when and for what purposes they are utilised.

¹⁵ Aldous Huxley, *Brave New World Revisited* (New York: Harper & Row Publishers), 1958.