Information Society and Digital Divide: A Critique on the Inclusion of Internet Access as a Human Right

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Abstract: *This paper looks at the possibility of an information society through a critic on the inclusion of the internet as a human right. It looks at digital divides and how feasible it is for the internet to close it. It also looks at arguments for and against the inclusion of the internet as a human right; especially as it affects right to freedom of expression, information access and digital divides. The argument in support of internet inclusion states that it is the means through which right of expression, opinion and association could be expressed while those against it asserts that human right does not have any technology undertone. In conclusion, it was the opinion that the inclusion of the internet as a human right is a farce since it would be unable to close digital divide or provide information access beyond what is already available. Since digital divides is driven by culture, economy, skills, education and income; it was suggested that education and information literacy skills be given more attention in order to make viable the provision of an information society when eventually the internet is made free.*

Keywords: *information society, digital divide, internet access, human right, freedom of expression and information access*

I. INTRODUCTION

The dynamism and diversity of man's society has brought in laws that ensure serenity and organisation of the society. Most of the laws that have been put in place enshrine human rights with categories like: Child Rights Law, Women Human Rights, Freedom of Information Act, Fundamental Human Rights and others. There are also criminal laws, maritime laws and several other laws that respond to unique situations in the society. Freedom of expression is a fundamental human right that has been recognised locally and internationally. It is sanctioned amongst others in the United Nations "Universal Declaration of Human Rights"(UDHR), International Covenant on Civil and Political Rights (ICCPR), African Charter on Human and People's Rights, European Court of Human Rights (ECHR) and the Constitutions of countries(Arogundade, 2013; Federal Ministry of Information Nigeria, 2012; Mendel, 2015; Sturges, 2010; Mathieson, 2008). In this information age, as termed by Manuel Castells (Webster, 2006), arguments have come up regarding the need to include internet access as a human right based on the fact that internet is the current medium of communication (Tully, 2015; Barry, 2013).

According to Barry (2013) and Tully (2015), Freedom of information, opinion and association are recognised fundamental human rights enshrined in the constitution of countries. The basis of pegging it as well as other rights as deserving of protection under human right is because they are features inherent in man as a human being. It is also on this basis that right to life as well as other rights, are termed fundamental human right deserving local and international protection. This therefore makes it strange, that the internet should be proposed as a human right, because it is not inherent in man as a human being.

If the internet is accepted as a human right, it means that the government is thrust with the responsibility of making it human. This means that internet access would be free, uninterrupted, subject to court action and would have human and equitable bandwidth; with enabling environment for physical access. However, the question remains on how everyone would be carried along since human rights provide equality. The question should also be asked on what happens to diverse digital divides that would make internet provision a farce. How practicable would this be; especially for developing countries; in this dwindling economic situation? Though making the internet a human right could enhance an information society, however how possible would it be judging by digital divides inherent in human society? Who would be responsible for providing technology needed for information access? Would provision of internet as a human right ever be

feasible since there are inequality with regards to socio economic levels, means of getting income, opportunity and ability to access information? This paper analyses these questions by providing reasons why it might be difficult to support internet access as a human right. It looks at: arguments on the inclusion of the internet as a human right; information society and digital divides; and information access.

Arguments on the inclusion of the internet as a human right

If human rights protects that which makes man human and different from animal, then on what basis should freedom of expression be merged with technology? On what basis should it be stated that freedom of expression, opinion and association can no longer be exercised without the internet? If the right to expression, association and opinion is without monetary burden, then the means of exercising it through the internet should not add financial burden to anyone including governments. These questions surround the arguments against the inclusion of the internet as a human right.

Collins English Dictionary (2012) defined Human right as the inalienable fundamental right every person inherently has as a human being and thus is entitled to have. Man as a human being is possessive of abilities to talk, relate, and express ideas. This makes man human and differentiates him from an animal. The government also has nothing to put in place for man to exercise this naturally given right. . While information access is seen as a human right, the basis of its inclusion is hinged on the fact that fundamental human rights of expression, opinion and association can only be exercised if information is accessible (Sturges, 2010; Mendel, 2015). This conclusion is supported by President Obama (The White House, 2014) and Mathiesen(2008). Though Mathieson also asserts that information access is welfare right. Some countries have made their own socio-economic rights non-justiciable meaning that it is not a basis for litigation but subject to further interpretation by the legislature (Christiansen, 2007). Mathieson could be referring to the technology aspect of information access and not the aspect that concerns freedom of expression, opinion and association; as these have been accepted as human rights.

Vint Cerf (Sturges, 2010) has opined that internet access should not be a right itself since it is an enabler of rights. Just as the same way, safe environment, good and hygienic food should not be made right on their own since they are enabler of human rights: the right to life. Enablers of rights have always been classified as socio-economic rights. Though their emergence as a human right with specificity on the internet could be because of the information age the society is in. If this should be so, one would argue that during the pre industrial society as asserted by Daniel Bell, possession of farm land should have been seen as a human right (Webster). But then, there was no proliferation of information and growth in knowledge.

According to Vint Cerf, making internet access a human right would be providing issues which would be difficult for the government to attend to. Such issues which are deemed necessary and relevant for human beings are normally classified as Socio-economic rights. This could be seen in Chap II of Nigerian constitution (Constitution of the Federal Republic of Nigeria, 1990) and in the Constitution of several countries. It has been stated by the FCC in United States of America, that classifying internet under utility would attract additional tax (Fox News (2014). Despite this, a majority vote was passed in favour of net neutrality rule to keep the internet open and free, thereby making it a utility (The White House, 2014). However, the United States of America is a country classified as 'developed'. Therefore, if internet should be made a human right, it should be sole and voluntary decisions of countries and not an international declaration.

Dunn (2010) in his argument believes that human right has no technology undertone but only protects what is naturally the right of man as a man. In this line, one would wonder if it is right and fair, to make technology access a human right. Depending on how it is viewed and the socio-economic level of each country, access to internet could be made a utility right or placed at very affordable cost. However If it is accepted that the internet should be a human right, then the government is thrust with the full responsibility of providing enabling environment that makes everyone literate and educated; economically buoyant to stand on equal economic pedestal, relevant skills to physically access information and purpose to be able to use such information for benefit. According to Sturges(2010), this would be a problem as information access when merged with accessibility to technology always becomes an issue. The reason is not far-fetched as technological trends are transient and ever changing (Ogba, 2016). It is different from the features of human right that is permanent. Therefore in canvassing for internet access, the means to access should be considered as provision of the internet without access is waste of economic resources. However, the argument still remains that it is a major means of communication in this 21st century, and should be made accessible for exercise of freedom of expression, opinion and association.

Arguments in support of the internet as a human right

Barry (2013), Open Society (2005) and Sturges(2010) are of the opinion that the internet should not be seen as a necessity but a human right. According to Open Society, access to information technology makes the

world move round in this 21st century. Tully (2014), in support asserted that internet access and access to technologies are mediums of information access; as such are prerequisites for contemporary living. Though information access is categorised as a human right based on Article 19 of the ICCPR and the provisions of the UDHR, however accessibility of information technology is yet to be declared as a human right.

Internet access in this 21st century is seen as the means to participate in information society. This is because information society deals with production of information, processing of information, and transferring of information for use in diverse works of life; with the intent that it solves human problem. This is exactly what the internet does; it makes it easy for production, processing and transferring of information to be carried out. It would therefore seem that in this period of technology where information business works with time and speed, that everyman deserves to be given the means to contribute to the society.

In the Supreme Court ruling at Costa Rica, it was held that access to technologies is a basic tool for exercise of fundamental human right (Sturges, 2010). However, this judgement did not rule it as a fundamental human right! The question then is: does the presence of internet provide information access and an information society? If it does, then there is basic reason to support its declaration as a human right, but if it does not, then it should be kept at the background for it to resurface at the right time. According to UNESCO, food, sanitation and literacy are more urgent and important needs requiring attention than access to technology (Cullen, 2002). Besides, they are more attached to human rights than technology. A look at information society and digital divides would provide more information.

Information society and digital divide as baselines for conclusion

Cullen (2002) asserted that in this 21st century, those who are unable to access the internet and World Wide Web (WWW) through the use of ICT (Information and Communication Technology) are disadvantaged in their access to information. From this statement, it could be seen that a lot of things is involved in the provision of internet as a human right. Abdulwahab and Umma(n.d) have stated that there must be an awareness of a type of intellectualism, knowledge and skills required before participation in an information society could take place. This means that one has to be educated, informed or given purpose towards the type of information required and the goal towards its use. Though the social media has become the platform through which information society is practised (Nielsen, 2015), however, without purpose, the presence of the internet would not guarantee use.

Information society is a society where every human being can produce, process and transfer useful information; and has the opportunity and ability to apply it for gainful purposes. According to Thompson (2003), information society is the base, the stalwart to living as it provides the key to development. Tully (2014), has also asserted that internet access and access to technologies are mediums of information access and as such are prerequisites for contemporary living. It could be accepted that access to technology are prerequisites for contemporary living, however where it is difficult to provide access for everyone; then why make it a human right? Access to technology cannot be compared to air that everyone breathe freely, nor to freedom that all men naturally have. It is something that someone has to make effort to provide; and not only provide, but for everyone. The possibility of this situation in the presence of digital divides and economy degradation is yet to be known.

Digital divides and critic on the inclusion of the Internet as a human right

Information access is the ability and freedom to source information through any medium for personal use or for the good of a community or society. While information access has been categorised as a human right (Barry, 2013; Sturges, 2010; Open Society, 2005), information is yet to be accessible by everyman. This portrays the picture of Herbert Schiller who believes that information is a commodity and to Manuel Castells who asserts that accessible information is only for those who can dance the tune of technological change (Webster). However for one to dance, one must know how to dance and be equipped to learn how to. The abilities and opportunities to participate in information society using information and communication technology is what digital divide is all about. It is also what inhibits access to information, making a mockery the clamour for internet being made a human right.

If the means of communication and socialisation is now technologically driven, if the world has become a global village through the presence of the internet, then everyone has a right to participate in it. However having a right to something does not translate to that thing being a human right. This is because with human right, there must be availability and satisfaction of all conditions to exercise such right. This is where the problem lies as human society is replete with situations that make it impossible to exercise access to technology, while the sovereignty of nations makes it a non-global issue; especially with its tie to economic ability.

Digital divide is defined as the gap existing between individuals, households, businesses and geographic areas at different socio-economic levels with regard to their opportunities to access information and ICT and their use of the internet for a wide variety of activities (Dunn, 2010). From the above definition, digital

divide and ICT use are already placed as socio-economic issues. According to Cullen (2002), the digital divide existing among countries is that of first, second and third world countries. It has a tie to their socio-economic levels. This means that technology and access to technology among countries would be uneven. According to Dunn (2010), there also exist: cognitive, literacy, gender and age divides. These divides have been treated below.

Digital divide through gender and geographical locations

According to Nielson (2015), women gravitate towards fashion and relationship while men are more attracted to technology. Nielson was trying to assert that women by their gender are not attracted to technology. However Hilbert (2011) found that there is no digital divide between men and women. In this study, women were found to be more active users of technology than men. Hilbert study however, was carried out in urban areas; thereby providing the assumption that geographical location is a factor to consider in deciding whether technology access is influenced by gender. According to Acilar(2011), the influence of ICT in the participation of information society is more evident in developed countries than in developing ones.

Paul, Thompson and Heinstrom(2015), have opined that women were viewed to be biologically unsuitable to anything connected to ICT(Information and Communication Technology). This could be because they were expected to do more of domestic chores than play around. According to Sharma (cited in Hilbert, 2011), digital divide was more prominent in previous years when norms and culture had much bout on women. This could also be seen in religious dictates that portrays a humble woman as one that is not seen but who seeks information from her husband (1Timothy, 2:11&12). As a result, Sharma believes that women were victims of digital divide because of culture. It could also be asserted that religion played its own part in providing a divide between men and women. This was also the conclusion of Lekal(2009) who states that socio cultural factors were involved in the exclusion of many women from involvement with information and communication technology. According to Antonio and Tuffley(2014), women are more likely to be unemployed than men. They are also likely to be uneducated; thereby lacking purpose for use of ICT.

Information literacy skill and Sensory abilities

Autonio and Tuffley(2014) stated that there must be physical access to technology before one can acquire technical skills to access information. Lack of skills to access digital information is a digital divide as the availability of technology does not guarantee access. There are some categories of users who might lack sensory abilities to touch, see or use a technology device. According to Sang (2006) as cited in Yu and Lin (2011), information literacy is attached to cognitive ability. This is because to be literate is to be able to think, solve problem and be conscious of the presence of information. In line with this, CILIP (2013) has defined information literacy as knowledge of when and why information is needed, where to find it, and how to evaluate and communicate it in an ethical manner. Therefore, a person who is not information literate might not be interested in information despite the presence of diverse technology including the internet. In this vein, it could be said that education is the bedrock of information society and not necessarily the internet. For one needs to have a purpose before seeking knowledge. If one is not educated, the provision on freedom of expression might be meaningless. Though Akolade, Tella, Akanbi and Adisa(2015), asserted that it is difficult for a physically challenged person to access information on the web since web information are attached to sight, touch and cognition. However they could have technological support for their inabilities. However if they are not educated, the use of technology would provide no useful end. Therefore, a basis to a viable information society is a continuous effort at closing every limiting divide of any category. This means that the internet, even if it is made a human right would not likely guarantee an information conscious society.

RECOMMENDATIONS

In view of the above, it is recommended as follows:

1. The government should provide basic socio-economic amenities that would entice organisations to move to rural areas.
2. Organisations and academic establishments should take cognisance of sensory retarded person's in order to provide support facilities that would aid in information access.
3. Cultures and traditions that limits or prevents access to education and technology should be revisited in order to critically look at their essence in view of internationally accepted human rights on freedom of expression. There should be local policies put in place to support development of information society; while awareness and sensitization is created on the need to be informed in order to develop.
4. Public libraries, especially in developing countries should be resuscitated in order for them to be means of providing education, literacy, information access and enlightenment.

5. Academics should develop interest in empirical studies that seeks to find out the use and impact of internet access on vocational workers, market women and house wives in rural areas. The same study should also be carried out to find out the impact of internet access on women in white collar jobs, vocational workers, market women and housewives in urban areas. Location of interest should be more on developing countries than on developed ones. This is because there are few literature on this area.

6. More research should be carried out to find out the application of internet access to right of expression, opinions and association. This becomes necessary in order to ascertain if internet access is actually the base for participation in information society.

CONCLUSION

To assume that internet would be a prerequisite for an Information society could be a deceit. Though it could enhance an information society, however it might not maintain it. Digital divides is already evident in societies, culture and religion. Therefore closing digital divides could mean going back to the basis and making right what was made wrong. It could mean interpreting our culture well to include women as worthy of fundamental human rights. It could mean interpreting our religious dictates well to give women some freedom to participate in information society. It could mean making sure that everyone is educated and literate; it could also mean giving people purpose to seek for information. It is only then that one could say that the internet could actually be classified as a human right as it is a human right to the enlightened, not the unenlightened.

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