

## Digital Right Advocacy: Advocacy for Life in the Digital World



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**ABSTRACT:** One of the lessons taught by the Covid 19 epidemic experience is that the world physical streets, schools, markets, places of worship and other environments for human physical interactions could self-shutdown for months in order for man to preserve its existence. As the physical world was, literally speaking, systematically shutting down in the year 2020, due to the rapid spreading of Covid 19, the digital world was gaining momentum, more citizens and expanding its usefulness and usage. Online streets where people could meet and interest were enlarged, many schools were opened in the digital world, markets became common feature online, places of worship became normal and meetings of all kind were held online, courts proceedings, movies premiere, dating, training... life simply moved into the digital world. This actuality unlined the importance of access to internet (as the door to the digital world) and instigated this article. This library-based research examines, in the main, the correlations between the basic human rights and right of access to the digital world via the internet. The study also suggests that right of access internet access encompasses the fundamental rights of freedom information, freedom of association and other basic human rights that are constitutionally protected by domestic laws of nations. The study also takes a peep at concept tagged as Internet of things (IoT), supports the debate that digital right is a distinct right that needs specific protection and argues that digital right enjoyment and enforcement are not limited to natural persons alone. The study concludes by emphasising the need to design international legal regime that will internationally protect the all-importance digital right of citizens from domestic interference by municipal authorities of nation states.

**KEYWORDS:** Advocacy, Digital Right, Internet, Internet of Things, Digital Citizen, Digital Space, Telecom

### 1. INTRODUCTION

Internet has become an indispensable space for distribution of information and most important part of life for interpersonal relationship in the world today. From everything going around the world, it will not be out of place to opine that all the major daily activities of man; governments, societies, associations and groups are now moving from the physical world into the digital world. The 2019-2021 experience with Covid 19 has shown the world that the world could, in time of trouble, emergency and pandemic, work from home and rely on the digital space for sustenance. At the peak of Covid 19, virtually every human endeavour: religion, trading, marketing, entertainment, schooling, training, dating, socio-political governance e.t.c moved into the digital space because more than 90% streets of the world were shut down due to the fear elucidated by Covid 19 pandemic. However, to be present in the digital space, there is a need to have access to the internet by any of the available internet enabled terminals: computers, tablets, smartphones, cellular phones, mobile devices, personal digital assistants (PDAs), networked gadgets and electronic devices, and other artificial intelligent facilities. Digital right advocacy is the collaborative campaign that every citizen of the world should have access to the internet: the digital world.

Covid 19 experience opened a new or enhances a chapter of life in the digital world, particularly in Africa. Before Covid 19, it was on heard that the National Executive Council (of Federal Republic of Nigeria) would its weekly meeting online or that the Ghanian Court would perform her judicial activities via zoom. Covid-19 forced African societies to learn how to live online! Though this important lesson is seemingly not being totally internalised by African governments since there were rumours of internet/telecommunication shutdown by some African governments in the recent time, i.e. Nigeria.

As far back as 1990, the European Court of Human Rights' has judicially affirmed in *Autronic AG v. Switzerland* that the right to freedom of expression 'applies not only to the content of information but also to the means of transmission or reception since any restriction imposed on the means necessarily interferes with the right to receive information'.<sup>1</sup> However, the advocates

<sup>1</sup> *Autronic AG v. Switzerland*, 22 May 1990, Application No. 12726/87.

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for digital right got the most inspiring encouragement when it was judiciously and judicially pronounced that access to the Internet is a fundamental right.<sup>2</sup> The Supreme Court of India on the 8<sup>th</sup> day of January, 2020, declared that:

*‘the freedom of speech and expression and the freedom to practice any profession or carry on any trade, business or occupation over the medium of internet enjoys constitutional protection under Article 19(1)(a) and Article 19(1)(g). The restriction upon such fundamental rights should be in consonance with the mandate under Article 19 (2) and (6) of the Constitution, inclusive of the test of proportionality.’<sup>3</sup>*

This declaration is in tune with the United Nations recommendation that every country should make access to Internet a fundamental right. Specifically, an addition was made to Article 19 of the Universal Declaration of Human Rights (UDHR),<sup>4</sup> which states:

*“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.”* Section 32 adds “The promotion, protection and enjoyment of human rights on the Internet” and another 15 recommendations that cover the rights of those who work in and rely on internet access. It also applies to women, girls, and those heavily impacted by the digital divide.<sup>5</sup>

Thus, the United Nation in very clear terms affirms that: *‘the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one’s choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.’<sup>6</sup>* These international recognition that social and digital media now form an essential elements of freedom of speech and expression acknowledges the digital rights space and imposes a higher threshold of responsibility on the State to ensure its operation.<sup>7</sup> Hence, the use of the internet has become a means for social interaction which has given rise to the idea of ‘digital citizenship’, which is widely accepted as the engagement of community and democracy online.<sup>8</sup>

The important roles assumed by the internet in humanity is unprecedented. The internet has reduced the whole world into a small mobile box like enclave, making the digital citizenship unavoidable and compulsory to make right to life realistic and enjoyable. In order to ensure reasonable use of the internet, the concept known as digital right and responsibility is developing with the theme that the right and freedom to use all types of digital technology while using the technology must be in an acceptable and appropriate manner. At the other side of this prism is the calling on the governments and States actors to ensure that citizens all over the world should have access to the internet and digital space. This underlines the basicity of digital right advocacy: the government should recognise that right to access digital world is a human right and all digital citizens should learn how to use digital space responsibly and conscientiously.

## 2. DIGITAL RIGHT AND HUMAN RIGHT

The Union of African Nations supported the fact that the internet is an enabling space and a resource for the realisation of all human rights when it was declared that:<sup>9</sup>

*Internet is an enabling space and resource for the realisation of all human rights, including the right to hold opinions without interference, the right to freedom of expression and information, the right to freedom of assembly and association, the right to freedom of thought, conscience and religion, the right to be free from discrimination in all forms, the right of ethnic, religious or linguistic minorities to enjoy their own culture, to profess and practise their own religion, or to use their own language, and economic, social and cultural rights.*

*Emphasising that the Internet is particularly relevant to social, economic and human development in Africa; Affirming that in order to fully benefit from its development potential, the Internet must be accessible, available and affordable for all persons in Africa;*

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<sup>2</sup> The judgment was pronounced on a batch of petitions challenging the restrictions in Kashmir after the central government on August 5, 2019 decided to remove special constitutional provisions and split the Jammu and Kashmir region. <https://www.hindustantimes.com/india-news/access-to-internet-is-a-fundamental-right-says-supreme-court/story-miomQARGJTy7Cz1WPazENI.html> Accessed 24/09/2021

<sup>3</sup> <https://www.thehindubusinessline.com/news/right-to-access-internet-is-a-fundamental-right-rules-supreme-court/article30531490>. Accessed 24/09/2021

<sup>4</sup> United Nations General Assembly, ORAL REVISIONS of 30 June, (27 June 2016), Thirty-second session Agenda item 3, Resolution 70/1

<sup>5</sup> <https://www.brookings.edu/blog/techtank/2016/11/07/the-internet-as-a-human-right/>

<sup>6</sup> United Nations General Assembly, ORAL REVISIONS of 30 June, (27 June 2016), Thirty-second session Agenda item 3, Resolution 70/1

<sup>7</sup> Nimisha Nagpal and Rhia Pandey, ‘Digital Literacy: A Cornerstone of Right to the Internet’, (2021), *The Journal of Indian Law and Society Blog*, 1-11, 4

<sup>8</sup> Ibid.

<sup>9</sup> See the Preamble to African Declaration on Internet Rights and Freedoms, 2014.

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And

*Affirming further that the Internet is a vital tool for the realisation of the right of all people to participate freely in the governance of their country, and to enjoy equal access to public services.*

This continental declaration explains the importance of internet and its indispensable influence on enjoyment of other human rights.

For the purposes of argument and advocacy campaign, digital right is often misplaced within the right of access to information. Placing digital right as a subset of right of access to information will mean digital right derives its existence from the right associated with right to information. In fact, digital right has more to do with freedom of expression more than from information. As a matter of established fact derivable from the usages of internet for purposes ranging from political, sociological, economical and trading, religion, medical, security, military, banking, schooling, to general purposes like transportation, general solutions one-shop-stop and more. The right to have access to the digital world (the internet) is a right to life in the digital space, a standalone right, not integrated with other rights but upon which the higher enjoyment of all other human rights stands. The fact that the digital world is a hub of information flow, 'a centralized, searchable platform that stores multiple file types and uses artificial intelligence to help users quickly and easily find the information they need' is unquestionable.<sup>10</sup> In the academic, more students and researchers are finding new tools online which is impacting positively on their performances, ease of study and improvement in their performances. It has been opined that more students depend on the internet for their studies and researches.<sup>11</sup> However, the digital world is more than a hub of information, it affords additional services to humanity.

In June 2011, Frank La Rue, presented a report to the UN Human Rights Council,<sup>12</sup> in which he primarily focused on the Internet and new technologies. Frank was quoted to have stated that:<sup>13</sup>

*The right to freedom of opinion and expression is as much a fundamental right on its own accord as it is an "enabler" of other rights, including economic, social and cultural rights, such as the right to education and the right to take part in cultural life and to enjoy the benefits of scientific progress and its applications, as well as civil and political rights, such as the rights to freedom of association and assembly. Thus, by acting as a catalyst for individuals to exercise their right to freedom of opinion and expression, the Internet also facilitates the realization of a range of other human rights.*

Based on these reasons, it is our unflinching opinion that digital rights is a specie of basic human rights that strengthens the realisation of other human rights being the enabler of human right in the digital world and digital spaces.

### 2.1 Right of Access to Information

The fact that the digital right embraces and grounds right of access to information has been internationally affirmed. Internet access provides huge access to information and great opportunities for education policymakers to improve the quality of education for individual learners and contribute to national economic and social welfare.<sup>14</sup> The United Nations Educational, Scientific and Cultural Organisation (UNESCO) has recognised that the Internet 'provides an unprecedented volume of resources for information and knowledge that opens up new opportunities and challenges for expression and participation.'<sup>15</sup> Sequel to this influential factorisation, UNESCO has acclaimed that 'the principle of freedom of expression and human rights must apply not only to traditional media but also to the Internet and all types of emerging media platforms, which will contribute to development, democracy and dialogue.' It seems the internet has become the central bank for information in the present age of technology. The West Africa subregions testified to this reality when on the 29<sup>th</sup> day of July 2021, publicly embrace the Universality of internet as a veritable source of quality information for development.<sup>16</sup> The Internet has become an endless source of supply of knowledge and information with different fora and spaces to learn about almost any topic or question on virtually everything. Using a search engine like Google, one can ask practically any question and find a web page with relatively good answers to and information about that question. There are also millions of videos on sites like YouTube explaining various topics, and even online courses to help teach you about many different subjects.<sup>17</sup>

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<sup>10</sup> Lori Mankin, 'What Is A Digital Information Hub?', (2017), <https://bloomfire.com/blog/digital-information-hub/#:~:text=Digital%20information%20hub%3A%20a%20centralized,find%20the%20information%20they%20need>.

<sup>11</sup> Kumah, Cynthia H., 'A Comparative Study of use of the Library and the Internet as Sources of Information by Graduate Students in the University Of Ghana' (2015). *Library Philosophy and Practice (e-journal)*. 1298., 1-21, 16.

<sup>12</sup> The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

<sup>13</sup> Douglas Rutzen and Jacob Zenn, 'Association and Assembly in the Digital Age' (2011), 3:4, *The International Journal of Not-for-Profit Law*, 1-17, 3

<sup>14</sup> Internet Society, 'Internet Access and Education: Key considerations for policy makers', 2017, [https://www.internetsociety.org/wp-content/uploads/2017/11/Internet-Access-Education\\_2017120.pdf](https://www.internetsociety.org/wp-content/uploads/2017/11/Internet-Access-Education_2017120.pdf). Accessed 26/09/2019

<sup>15</sup> <https://en.unesco.org/themes/freedom-expression-internet> Accessed 26/09/2021

<sup>16</sup> UNESCO and the African ICT Foundation jointly organized a knowledge sharing session on how to mainstream Internet Universality and ROAM principles (Rights, Openness, Access and Multi-stakeholder approach) where the West-African stakeholders

<sup>17</sup> <https://www.computerhope.com/issues/ch001808.htm>.

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### 2.2 Medium of Freedom of Expression

Internet is the biggest single forum for expression of information with the potentiality of reaching the largest population possible given the capability of reposts and rebroadcasts on different media, channel, fora and application within the digital world. The number of individuals connected to the Internet at home reached almost 1.6 billion in 2010. As of 2011, one-third of the world's population has come online, and this number will not stop growing. Internet empowers freedom of expression by providing individuals, almost on daily basis, with new means of imparting and seeking information.<sup>18</sup> Internet provides some protected fora for freedom of expression of individuals' right to voice their opinions and to receive information without state interference, the public sphere is neither managed nor supervised by the state, but by private parties whom increasingly self-regulate in order to secure a "safe" online environment.<sup>19</sup> It has been suggested that when it comes to core Internet values, users generally want absolute control of their digital space. They desire an online environment where they can simultaneously express themselves freely, protect their personal data and privacy, trust the people and information they find, and feel safe. They desire the same things that they do in everyday life.<sup>20</sup>

### 2.3 Electronic Messaging and Communication

One of the sundries and most elementary functions of the internet is electronic messaging. And the commonest of electronic messaging is email. Then came applications such as Facebook, Togo, WhatsApp, twitter, Linkdil, Instagram etc. Thus, internet has enhanced and modified the way the world communicates in many ways. Digital world has improved the way people conduct business, interpersonal relationship, religious activities, campaigns, advocacy, and how we live all aspect of our lives. We can easily text, talk and email through a link to anyone all over the world: cheaper, faster, easier, saver and clearer. In fact, it is now possible to visit any part of the world virtually. The education sector has also improved significantly because it is now possible to conduct researches without touching a book (hard copy), visit library physically and conduct on site survey. It is now possible to study at home and acquire degrees abroad right from inside one's bedroom provided there is internet accessing devices.<sup>21</sup> The digital services relating to electronic messaging and communication is difficult to place within the existing and well-defined rights of freedom of expression and right to access of information. Electronic communication could be expanded to cover other rights such as right to freedom of thought, conscience and religion, right to peaceful assembly and association, and limitedly to right to freedom of movement, right to acquire and own property.

### 2.4. Right to Freedom of Thought, Conscience and Religion

One of the rights recognised by the nations of the world as basic human right is a body of rights declared at Article 18 of the Universal Declaration of Human Rights as right to freedom of thought, conscience and religion. This right includes freedom '*to change religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance*'.<sup>22</sup> The religion leaders of the world are moving their religious activities online massively leaning on telly-evangelism, crusade, teaching and religious education reaching the widest audience conceivable. Hence, internet has provided the best avenue so far for the realisation and evocation of their rights to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom. In fact, during the peak of the Covid 19 Pandemic, religious activities blossomed in various digital spaces while physical gathering for religious purposes were highly prohibited almost everywhere all over the world.

### 2.5 Right to Peaceful Assembly and Association: Online and Electronic Meetings

The right to peaceful assembly and association are twin rights that is located within the digital right and internet freedom.<sup>23</sup> This body of right is internationally preserved by Article 22 of the International Covenant on Civil and Political Rights ("ICCPR") which provides that "*everyone shall have the right to freedom of association with others.*" In 1998, the UN General Assembly adopted a resolution clarifying that the right of freedom of association transcends national boundaries, thus, every citizen of the world has the right, individually and in association with others, at the national and international levels to form, join and participate in non-governmental organizations, associations, or groups.<sup>24</sup> It has been vigorously argued, placing heavy reliance on some

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<sup>18</sup> World Economic Forum, 'The New Internet World A Global Perspective on Freedom of Expression, Privacy, Trust and Security Online', (2011), 5

<sup>19</sup> Rikke Frank Jørgensen, 'Internet and Freedom of expression', (European Master Degree In Human Rights And Democratisation 2000-2001, Raoul Wallenberg Institute), 6.

<sup>20</sup> World Economic Forum (WEF), *op.cit.*, 25

<sup>21</sup> [Advantages and Disadvantages of Internet Communication Unified Communications ezTalks Video Conferencing, Webinar, Online Meeting, Screensharing Tips and Reviews](#)

<sup>22</sup> Article 18, Universal Declaration of Human Rights. [https://www.ohchr.org/en/udhr/documents/udhr\\_translations/eng.pdf](https://www.ohchr.org/en/udhr/documents/udhr_translations/eng.pdf)

<sup>23</sup> As of December 2011, 167 countries have already ratified the international soft law.

<sup>24</sup> Douglas & Jacob, *op.cit.*

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international authorities,<sup>25</sup> that under international law, individuals have the right to associate without seeking governmental approval or forming a legal entity. From this premises, it is assumed that *'the law should never condition the exercise of the right to freedom of association on the acquisition of formal status.'*<sup>26</sup> The best place where this internationally sanctioned right is fully ensured is in the digital world in digital spaces such as WhatsApp group chat, zoom, skype, etc. Now digital citizens are now assembling for meetings, associating and mobilising at various digital spaces for advancement of defined and unspecified purposes without limitation based on national boundaries, conflict of laws, citizenship and diplomatic divergences between nations.

### 2.6 Economic Right and the Right to Acquire and Own Digital Property

Online shopping is one big avenue available to people to find products of interest and buy them without having to visit a store. The Internet provides easy access to compare prices between companies, and even see what others think about a product through online reviews to help make better purchasing decisions.<sup>27</sup> This is the economic aspect of internet freedom, which links the importance of free and open networks with economic growth, trade and favourable business environments.<sup>28</sup> Digital world is promoting investment, entrepreneurship and new product innovation the way it has never happened before making use of various digital spaces, channels, fora and interface.<sup>29</sup> The internet provides the biggest facilities to businesses to advertise their products or services to everyone in the world or specify an exact demographic they want to reach.<sup>30</sup> The advent of internet and online bank is aiding the world economic, trade and businesses to grow exponentially.

The prospects of developing intellectual property with digital characters is growing with the growth and the advent of new digital technology.<sup>31</sup> These growths have significantly impacted the fields of intellectual property, software material and digital contents in different digital spaces. Premised on the Constitution provisions that grant the United States of America's Congress the power to pass laws dealing with intellectual property to "promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries,"<sup>32</sup> the USA Congress in 1998, passed the Digital Millennium Copyright Act to protect copyright owners and to address the increase in popularity of sharing digital contents in the digital world.<sup>33</sup> In the same trend, the right to digital protection of trademarks, patents and trade secret digitally made is getting government and stakeholders attention across the world. Hence, digital property is fast becoming a mean of livelihood not only in form of digital entertainment industries but is fast extending to digital intellectual properties ownership and rights over creative digital contents.

### 2.7 Digital Right and Digital Banking

One of the cut-edge usages of the internet is digital banking popularised by the introduction of Automated Teller Machine; an electronic banking outlet that allows customers to complete basic transactions without the aid of a branch representative or teller.<sup>34</sup> The first cash dispenser machine without physical interaction with bank officers was in use in Japan in the mid-1960s, but the first modern ATM (as we know it today) appeared at a branch of Barclay's Bank in London in 1967. The interbank communications networks that allowed a consumer to use one bank's card at another bank's ATM came later, in the 1970s.<sup>35</sup> Since the advent of internet enhance remote banking in the 1960's, the revolution in the banking industry is developing.

The twin concepts of 'online banking' and 'mobile banking' are digital banking-based services. Both are highly convenient, secure, and help you save a lot of time. Check the features of Internet Banking and Mobile Banking offered by your bank to start using these digital facilities as soon as possible and experience banking in an entirely new way.<sup>36</sup> Many banks nowadays have specially designed mobile apps for mobile banking that enables remote access to the bank's services via internet connection to use

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<sup>25</sup> OSCE/ODIHR Key Guiding Principles of Freedom of Association with an Emphasis on Non-Governmental Organizations, page 5; see also U.N. Special Representative Report, page 21 ("NGOs should be allowed to exist and carry out collective activities without having to register if they so wish).

<sup>26</sup> Douglas & Jacob, *op.cit.*

<sup>27</sup> Computerhope.com, *op.cit.*

<sup>28</sup> Shanthy Kalathil, 'Internet Freedom: A Background Paper', (2010), Toward a Single Global Digital Economy Internet Freedom: A Background Paper, 67-80, 69. [https://www.aspeninstitute.org/wp-content/uploads/files/content/images/Internet\\_Freedom\\_A\\_Background\\_Paper\\_0.pdf](https://www.aspeninstitute.org/wp-content/uploads/files/content/images/Internet_Freedom_A_Background_Paper_0.pdf) Accessed 26/09/2021

<sup>29</sup> *Ibid.*

<sup>30</sup> Computerhope *op.cit.*

<sup>31</sup> <https://lawshelf.com/videocourses/moduleview/intellectual-property-and-the-internet--module-2-of-5/>

<sup>32</sup> U.S. Const. Art. I, § 8.

<sup>33</sup> Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860 (Oct. 28, 1998).

<sup>34</sup> Julia Kagan, 'What Is an Automated Teller Machine (ATM)?' (2021), <https://www.investopedia.com/terms/a/atm.asp> . Accessed 11/10/21

<sup>35</sup> Julia Kagan, *op.cit.*

<sup>36</sup> Icici Bank. 'What is the difference between Mobile Banking and Internet Banking?' 2019, <https://www.icicibank.com/blogs/mobile-banking/difference-between-mobile-and-internet-banking.page>. Accessed 11/10/21

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such mobile banking apps. On the other hand, mobile Banks are telecommunication pathway to banking through SMS. So, even if you have a very basic mobile and not a smartphone, you will still be able to use some features of mobile banking through SMS.<sup>37</sup>

### 3. INTERNET OF THINGS (IoT)

Internet of things simply means the revolutionised usage of internet to the workability of physical objects: the world where billions of objects (in the physical world) can sense, communicate and share information (in digital world), all interconnected over public or private Internet Protocol (IP) networks.<sup>38</sup> The internet of things (IoT) is a more advanced usage, appreciation, specific application of digital facilities to perform specific physical task. By IoT medium, Internet of things common definition is defining as: Internet of things (IOT) is a network of physical objects. The technology behind IoT is the interaction not of a network of computers, but it has evolved into a network of device of all type and sizes, vehicles, smart phones, home appliances, toys, cameras, medical instruments and industrial systems, animals, people, buildings, all connected, all communicating & sharing information based on stipulated protocols in order to achieve smart reorganizations, positioning, tracing, safe & control & even personal real time online monitoring, online upgrade, process control & administration.<sup>39</sup> IoT is the technological high of digital efficacy and incorporation of software with hardware for designed operations. Internet of Things technology is not only a network of computers, but it has evolved into a network of device of all type and sizes, vehicles, smart phones, home appliances, toys, cameras, medical instruments and industrial systems, animals, people, buildings, all connected, all communicating & sharing information based on stipulated protocols in order to achieve smart reorganizations, positioning, tracing, safe & control & even personal real time online monitoring, online upgrade, process control & administration.<sup>40</sup> The goal of the IoT is automation of machines and devices through internet connectivity and any path/network to perform any specified service to make hardware objects recognizable to specific software and obtain intelligence by making or enabling context related decisions as an aftermath of highwire communication of information between the object and the internet or other path/network. By the application of IoT, physical machines and devices can access information that has been aggregated by other digital algorithm and other components of complex digital services.<sup>41</sup>

The general principle upon which IoT is built upon is the application of internet connectivity involving software within the digital world and things in physical world for execution of certain activities in the physical world and earth outer space without physical involvement of man. Internet of things, especially everyday objects, that are readable, recognisable, locatable, addressable through information sensing device and/or controllable via the Internet, irrespective of the communication means (whether via RFID, wireless LAN, wide area networks, or other means).<sup>42</sup> Some of the IoT enabled devices is the digital programming that connect home devices to the internet and make ordinary appliances smarter i.e., remote controlled gates, remote space sensor scanner, CCTV, etc. For example, the Nest thermostat can connect to the Internet to help control the heating and cooling in a given home. Also, once these devices are connected, they can be controlled remotely using computer or smartphone. By connecting IoT (Internet of Things) devices to your home, it can become smarter and more efficient and help save energy, money, and time.<sup>43</sup>

IoT is not limited to domestic uses, as a matter of fact, the first computer set was designed purposely for demographical related uses. It is on record that the first commercial computer was UNIVAC1 developed by John Eckert and John W. Mauchly in 1951 to be used by the Census Bureau to predict the outcome of the 1952 presidential election.<sup>44</sup> The use of IoT has extended to medical and public health solutions. It has been reported that:

*The first 3 days of an epidemic is a critical period for the authorities to take appropriate action through Internet surveillance to prevent and control the epidemic, including preparation of personnel, technology, and other resources; information release; collection of public opinion and reaction; and clarification, prevention, and control of rumours. Internet surveillance can be used as an efficient and economical tool to prevent and control public health emergencies.*<sup>45</sup>

In association with different stakeholders in the world medical enclaves, social media such as Facebook, Sina microblog and the Baidu website have been used as an approach to collect data from millions of Internet users for statistical purposes.<sup>46</sup>

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<sup>37</sup> *Ibid.*

<sup>38</sup> Keyur K Patel, Sunil M Patel, 'Internet of Things-IOT: Definition, Characteristics, Architecture, Enabling Technologies, Application & Future Challenges', (2016), 6:5, International Journal of Engineering Science and Computing, 6122-6131, 6122.

<sup>39</sup> Patel & Patel, *op.cit.*, 6122

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> Dias Sake, 'History of ICT (Information and Communications Technology)', (2012) <https://www.sutori.com/en/story-History-of-ICT-Information-and-Communications-Technology-N7J51bQqSU7v>

<sup>45</sup> Hua Gu et.al, 'Importance of Internet Surveillance in Public Health Emergency Control and Prevention: Evidence From a Digital Epidemiologic Study During Avian Influenza A H7N9 Outbreaks', (2014), 16:1, *Journal of Medical Internet Research*, 1-20, 2

<sup>46</sup> *Ibid.*

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Another important use and application of IoT is security and military purposes. CCTV, (vehicle) trackers, home monitors, infrared detectors and many more security devices majorly depend on IoT for their functionality. In the military world, military drones also make use of internet of thing technology. In fact, the whole world today is moving towards the employment of IoT for daily purposes. It has been observed:

*Due to living in an interconnected world with smart devices and appliances in cyberspace, the cyber security issue has always taken the significant role and emerged as a planning factor almost in every public or private institution. Having a close relation with information security, the cybersecurity term has evolved the former as a result of the increasing number of highly cost security breaches, irreversible prestige loss. Along with the use of internet, the use of cutting-edge technologies in private and military organizations, ranging from tactical to strategic level like command, control and satellite systems, has put the cybersecurity issue much more forward and entailed cybersecurity to be a more comprehensive concept over traditional information security.<sup>47</sup>*

The tremendous technological and tactical military advancement and private security arrangements are being enabled by constant access to web browser and other network pathways. There are wide range of devices now that can be integrated to a scalable detection network while transmitting data seamlessly between each other.<sup>48</sup>

### 4. RIGHT TO DIGITAL LIFE

The right to digital life or to be a digital citizen derives from the right to access internet. The right to access the internet, also known as the right to broadband or freedom to connect, is the view that all people must be able to access the Internet in order to exercise and enjoy their rights to freedom of expression and opinion and other fundamental human rights. This assumption is highly connected with international affirmation that states have a responsibility to ensure that Internet access is broadly available, and that states may not unreasonably restrict an individual's access to the Internet. From the little identified usages and functionalities of the internet and activities enabled by the digital space above, it should be clearer that the right of access to digital world and internet is far more than right to information and freedom of expression. It is a right that makes the enjoyment of human rights possible, at least, digitally. One can begin to appreciate the importance in a life without cell phone and others smart devices, email and facebook, google services, WhatsApp, twitter, Instagram, zoom, apple/google stores and the Apps they offer... definitely, life would be boring, brutish and undeniably short. Hence, denial of access to the internet is a denial of access to digital world and the benefits embedded in the digital world. A British firm (Top10VPN) estimates that the twitter ban in Nigeria within the first two months affected around 104.4 million internet users in the country, and cost the country around \$366.9 million!<sup>49</sup>

The advocacy for declaration of digital rights as basic rights is an ongoing phenomenal. The poll of more than 27,000 adults conducted by GlobeScan found that 87 per cent of those who used the internet felt that internet access should be “the fundamental right of all people.” More than seven in ten (71%) non-internet users also felt that they should have the right to access the web.<sup>50</sup> Therefore, the clamour for the governments of the world to make internet access available everywhere on earth is an ongoing advocacy. This is important taking cognisance of the fact that failure of internet access anywhere in the world could have ripple and multiple effects across the world. For instance, the blockage of access. It has been opined that a free, widely accessible Internet stands at the heart of both global communication and global commerce. Internet freedom enables dialogue and direct diplomacy between people and civilizations, facilitating the exchange of ideas and culture while bolstering trade and economic growth. Conversely, censorship and other blockages stifle both expression and innovation. When arbitrary rules privilege some and not others, the investment climate suffers. Nor can access be expanded if end users have no trust in the network.<sup>51</sup>

Report has shown that internet usage across the world has begun to escalate since year 2000. In Africa, the increase in the number of citizens' connection to the internet has increased tremendously. In Nigeria, the number of internet users has increased from a paltry 200,000 Nigerians in year 2001, to over 120 million users in 2020. The economic implications of this geometric progression has forced the government of Nigeria to acknowledge that digital right is as important as the basic human rights that needed to be enhanced and protected by the government.<sup>52</sup> This assertion is in line with United Nation affirmation that civil, political, economic and social rights protected by the International soft laws and conventions are rights that the governments of nation States

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<sup>47</sup> Muhammer Karaman, et.al, 'Institutional Cybersecurity from Military Perspective', (2016), 5:1 'International Journal of Information Security Science, 1-7, 1

<sup>48</sup> Environics, 'Evolving Technology for an Evolving Threat', 2021, [https://environics.fi/blog/chemprox-unmanned-ground-air-vehicles-use/?utm\\_source=google&utm\\_medium=search&utm\\_campaign=unmanned%20vehicles&gclid=EAlaIqobChMlglyjsKK\\_8wIVetxRChOSygXUEAAYAiAAEgLKgfD\\_BwE](https://environics.fi/blog/chemprox-unmanned-ground-air-vehicles-use/?utm_source=google&utm_medium=search&utm_campaign=unmanned%20vehicles&gclid=EAlaIqobChMlglyjsKK_8wIVetxRChOSygXUEAAYAiAAEgLKgfD_BwE). Access 10/10/21.

<sup>49</sup> <https://qz.com/africa/2043666/twitter-ban-has-cost-nigeria-over-360-million-in-two-months/>

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<sup>51</sup> Shanthi Kalathil, 'Internet Freedom: A Background Paper', 2010, Toward a Single Global Economy, 67-80, 67.

<sup>52</sup> Adeboye Adegoke, Digital Rights and Privacy in Nigeria, (Paradigm Initiative, 2020), 4.

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must ensure are enjoyed by the citizens online.<sup>53</sup> Despite the efforts by the United Nations and loud pronouncements that digital rights are basic human rights, it is sad to notice that large area of the earth is still left out of internet connectivity.

As revealed by a World Economic Forum report, 'our increasingly hyperconnected world brings many benefits, it also exacerbates inequalities for those large portions of the global population that have limited or no internet access.'<sup>54</sup> As observed by Hilary Clinton, 'the Internet is a network that magnifies the power and potential of all others. And that's why we believe it's critical that its users are assured certain basic freedoms. Freedom of expression is first among them.'<sup>55</sup> Internet intensifies and multiplies opportunities in education, entertainment, social-contract, economy and commerce to mention few. Once the access to the digital world is denied by any mean or enemy of digital realities, the only door to enjoy benefits of digital world is shut. In short, the world population and persons that are denied access to the digital world are the human beings and persons that are denied the rights to enjoy their fundamental human rights digitally.

### 5. DIGITAL RIGHTS ARE NOT LIMITED TO HUMAN BEINGS

Generally, basic human rights are rights that can be enjoyed by persons either human or artificial persons. However, while human persons can enforce human rights, non-human persons cannot enforce human rights. Under the Nigerian legal system for instance, to invoke the jurisdiction of the court for the protection of any of the fundamental human rights guaranteed by the 1999 Constitution of the Federal Republic of Nigeria (as amended), the applicant must be a natural person, the right to enforce such rights by an artificial person can only be done through its natural persons that are i.e., its alter ego, directors, agents, etc.<sup>56</sup> However, this general principle of law that a corporation cannot claim or apply to enforce human rights because a corporation has no soul to be damned, emotion that is capable of being depressed, and no body to be kicked,<sup>57</sup> admits some exceptions and has been shown to have some limitation in its general applications.

The applying the provisions of the Europe Convention,<sup>58</sup> the European Court of Human Rights has established that enjoyment of human rights are not exclusive to natural under the assumed concept of organisations' human rights with the main theme that organisations may have rights and obligations as legal subjects.<sup>59</sup> For instance, an existing entity, even after dissolution can be a bearer of rights with the correspondent duties in a very limited way which human rights protection is necessary.<sup>60</sup> In fact, it has been argued that an unregistered organisation can 'bring an application claiming its human rights violation before the European Court of Human Rights, resulting in being a human right holder without legal personality under national law'.<sup>61</sup> Based on the legal authority established in *Stankov and United Macedonian Organisation Ilinden v Bulgaria*,<sup>62</sup> Granyak opines that the refusal of registration of an association, as held by by the European Court of Human Rights in the case instituted by *Stankov and United Macedonian Organisation Ilinden against Bulgarian government*, did not amount to interference with the association's right to freedom of assembly if the association was able to perform its activities without registration however, if the authorities sought to suppress the activities of such an association following the refusal of registration, there must be a possibility for it to submit a complaint under Article 11 of the Convention.<sup>63</sup>

Another exception to the general rule that human rights are rights exclusively reserved for human rights is situation where rights may be enforced by persons without legal personality under national law. This is a situation where organisations as bearers of rights and duties in a limited way under national law are still human rights holders. This human rights perspective is independent from the concept of legal personality under national law, since entities having legal personality under national law have a narrower scope than organisations being potential human rights holders, due to the fact that there are entities which may be bearers of rights and duties in a limited way, but not recognised as legal persons under national law.<sup>64</sup> The European Human Rights Court has established that a partner in a limited partnership, which though does not have legal personality under the national laws may enjoy

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<sup>53</sup> United Nations General Assembly, ORAL REVISIONS of 30 June, (27 June 2016), *op.cit.*

<sup>54</sup> Christina Richards, Will Internet Access Via Drones Ever Fly? 2011, <https://www.wired.com/insights/2014/11/internet-access-drones/> accessed 10/10/21

<sup>55</sup> Hillary Clinton, "Remarks on Internet Freedom," (Speech, Newseum, Washington, D.C., January 10, 2010), <http://www.state.gov/secretary/rm/2010/01/135519.htm>. Accessed 22/10/21

<sup>56</sup> See the dictum of the Nigerian Supreme Court in *F.B.N. Plc. v. A.G., Federation* (2018) 7 NWLR (Pt.1617), 173

<sup>57</sup> Thom Hartmann, *Unequal Protection How Corporations Became "People" – and How You Can Fight Back*, 2nd Edit, (Berrett-Koehler Publishers 2010) 10.

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<sup>59</sup> Anna Grear, 'Challenging Corporate Humanity Legal Disembodiment, Embodiment and Human Rights' (2007), 7:3, *Human Rights Law Review*, 511–543, 516.

<sup>60</sup> *Freedom and Democracy Party (ÖZDEP) v Turkey*, no. 23885/94, § 9, 8 December 1999

<sup>61</sup> Livia Granyák, 'Do Human Rights Belong Exclusively to Humans? The Concept of the Organisation from a Human Rights Perspective', (2019), 2, *ELTE Law Journal*, 17-32, 23.

<sup>62</sup> No. 29221/95 and 29225/95, Admissibility Decision, 29 June 1998

<sup>63</sup> Granyák, *op.cit.*

<sup>64</sup> *Ibid.*, 25



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a limited human rights.<sup>65</sup> This jurisprudence is premised on the legal logic that in matter that touches on human rights enforcement, what is most important is not the association in question, but the discernible rights involved.

The most important legal implication of this theory of human rights enforcement is that right of access to digital world is a right that can be enforced by digital citizens, digital associations and digital organisations that may not be legal personality under national laws may enforce digitally accrued human rights. In other words, entities that are not recognised as legal entities under the national laws may legally enforce human rights that have accrued to them digitally.

### 6. DIGITAL RIGHTS ADVOCACY: AN ADVOCACY FOR DIGITAL LIFE

In recent years, advocacy for Internet freedom, particularly in Africa, is gaining not only in motion as being driven by academic, researchers and institutions,<sup>66</sup> but also revving up in velocity as being championed by social rights groups, NGOs, and other stakeholders in human rights activism.<sup>67</sup> Digital right advocacy is premised on the ideology that every time the access to the digital world is block for any purpose whatsoever, legally or illegally, many lives online is deceased and many lives offline are frustrated as it affected internet users the ability to send and receive information, operate online based business, disrupting lives in digital spaces such as Facebook, twitter, Instagram WhatsApp, work, education, and relationships and most especially IoT depending infrastructures.<sup>68</sup>

It has been suggested that advocates should clearly articulate both the inside and outside strategies. The inside/outside strategy is an approach to organizing and movement building that emphasises learning from and coordination with resistance movement and political positions you do not completely agree with. The inside strategy is directed at those inside the legislature or parliament using arguments based on those who will either benefit or be opposed to the goal. The outside strategy is directed at those outside of the legislature or parliament who may influence those within the legislative body.<sup>69</sup> This needed information and knowledge to influence the required changes is provided by the academia's enclave while the lobbying is carried out by the change agents: the rights crusaders.

For any advocacy efforts to be successfully meaningful it must be organised by the stakeholders in a logical manner with flexible strategies targeted at achieve the desire results. The focus of digital right advocacy, as a matter of principle, should be targeted at influencing legislative reengineering, judicial reorientation and executive changes. The objectives of the advocacy should be clearly defined, demands should be ambitious and not ambiguous, and targets should be visible, reliable and executable. There is a need to embed plan actions and actions plan may need to after each step based on outcomes and feedback along the way.

Therefore, there is a need for more organisations, groups, movements, institutions, NGOs, rights advocates, researchers, social media influencers and other stakeholders e.t.c., to be engaged in advocacy for digital rights. The importance of access to digital world will be appreciated when we consider the hardship of telecom shutdown in an African nations like Nigeria, Kenya, South Africa, etc. It simple means one cannot access google and all the google enabled platform, no Facebook, WhatsApp would not open, twitters is blank, Instagram is blocked, banks mobile apps would not function, you would not be able to send or receive electronic mails, no electronic transaction would be possible, online schooling would be shut, trading online are gone. In the life without with digital access, life will be harsh, things will be difficult: in advance nations, electricity supply will fail, water supply will cease, trains will stop working and the world security will be at high risk. Life without internet access is a life moving back to the stone age! Hence, digital rights advocacy is an advocacy for better life.

### 7. CONCLUSION

Though there are communities of men that had never accessed internet possibilities and digital world, however, access to internet has made it possible to experience life in the digital world which has enhance the scope of human rights and enjoyment of fundamental rights. Digital technologies are transforming the way basic rights such as freedom of expression and access to information are exercised, protected and violated, and are also leading to the recognition of new rights. Digital access has created a new world and another world (digital world) with its new citizenship known as digital citizenship. Premised on this reality, there is a need for new law regime to specifically make digital access national fundamental right and for the world to redirect international law to control the powers of Nation States to disrupt access to the digital world by the citizens of all nation. There is no reason for any nation to tamper with it citizens' right to the internet, digital world or a given digital space such as Facebook, twitter, WhatsApp or any other digital space or forum for that matter. It is therefore a high time to design a new international law regime to ensure digital rights and protect digital citizenship at all. At the center of the new international law regime should be the principle that will

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<sup>65</sup> *Zumtobel v Austria* no. 12235/86, 30 June 1992.

<sup>66</sup> University of Pretoria (South Africa), Crawford University, Nigeria, Georgian Institute of Technology (Atlanta, USA), e.t.c.

<sup>67</sup> Paradigm Initiative, Globa Partners Digital, Amnesty International, The Human Rights Action Center, Human Rights Without Frontiers, Human Rights Watch,

<sup>68</sup> John Masuku, *A Brutal Lesson From Zambian Politics: No Internet, No Votes*, 2021. <https://medium.com/center-for-media-data-and-society/a-brutal-lesson-from-zambian-politics-no-internet-no-votes-a4ba13277590>. Accessed 22/10/21

<sup>69</sup> <https://befreedom.com/introduction-to-the-insideoutside-strategy/>. Accessed 30/10/21.

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allow the nations of the world to regulating access to online information in a secure and transparent manner while the United Nations should ensure that no government will interfere with citizens' rights to reasonably access the internet without repercussions. Digitalisation of human activities has made life easy, more enjoyable and more meaningful: no government should be allowed to meddle with this digital rights of the citizens.

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