

The Socio-Economic Argument for the Human Right to Internet Access

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Abstract

This paper argues that Internet access should be recognised as a human right because it has become practically indispensable for having adequate opportunities to realise our socio-economic human rights. This argument is significant for a philosophically informed public understanding of the Internet and because it provides the basis for creating new duties. For instance, accepting a human right to Internet access minimally requires guaranteeing access for everyone and protecting Internet access and use from certain objectionable interferences (e.g. surveillance, censorship, online abuse). Realising this right thus requires creating an Internet that is crucially different from the one we currently have. The argument thus has wide-ranging implications.

Keywords

internet access, human rights, linkage arguments, practical indispensability, systematic indispensability

The Internet has changed the lives of those who can access it. However, no international law specifically recognises and protects Internet access as a human right, nor is such a right directly entailed by other human rights (Çalı, 2020; Shandler and Canetti, 2019). Moreover, few approaches discuss the moral significance that the Internet has for its users. These defences usually ground this right in the Internet's relevance for political and civil human rights, for example, rights to free speech, free information, and free

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assembly (Mathiesen, 2012; Reglitz, 2020). Although these arguments provide important support for a human right to online access, they do not cover the essential role the Internet fulfils for socio-economic human rights (e.g. education, healthcare, work, social security). The purpose of this article is to fill this gap by showing for the first time that online access today is indispensable for the enjoyment of socio-economic human rights. Doing so provides additional support for the human right to Internet access and clarifies the importance of the Internet beyond political freedoms. This is important because explaining that Internet access matters for more than a limited number of political rights (such as free speech) shows that its importance is not reducible to any particular human right. This in turn supports the argument for acknowledging a standalone human right to Internet access that entails specific entitlements and protections. The acknowledgment of a human right to Internet access would have considerable theoretical and practical significance. Theoretically, it would present a clear case of how momentous technological innovations require us to reconsider our human rights. Practically, a human right to Internet access would change the support and protection people could demand from public authorities concerning their opportunities to use the Internet. Support from public institutions for Internet access is vital because, as the United Nation's International Telecommunications Union (ITU) reports, 37% of humanity remained offline in 2021. The problem of digital exclusion is unevenly spread globally, though. Of the 2.9 billion people still digitally excluded, 96% lived in developing countries (ITU, 2021: 1). And even many of those who count as Internet users (i.e. everyone who has gone online at least once in the last three months) 'only get the chance to go online infrequently, via shared devices, or using connectivity speeds that markedly limit the usefulness of their connection (ITU, 2021)'.¹ A human right to Internet access would give those left offline a moral claim to some form of support toward their own government and (if that government lacks the means to help) the international community to escape digital exclusion.² Moreover, such a human right would justify duties for public institutions to protect citizens from unjustified surveillance, private data collection or manipulation by governments and private companies of the kind that is commonplace today (Zuboff, 2019). Even though the details of these duties exceed its scope, this paper contributes to the vital first step of providing reasons for the argument that public authorities should acknowledge such a new human right in the first place.

My argument rests on the claim that Internet access should be a distinct human right because its usefulness has become too great to leave access up to the good will of political authorities and private companies or the affluence of individuals. Section 'Linkage arguments for supporting or auxiliary rights' explains linkage arguments that justify derivative rights by virtue of their usefulness for other rights. Section 'Adequate opportunities to enjoy human rights' defends the premise that having rights entails that right-holders have *adequate* opportunities to exercise these rights. My argument for Internet access as a human right holds that it is practically necessary for having adequate options to realise our socio-economic rights and sections 'Internet access and socio-economic human rights in developed countries' and 'Internet access and socio-economic human rights in developing countries' provide examples that support this claim. These are taken from developed and developing countries to demonstrate

that Internet access is practically necessary for people everywhere. Accepting my argument means accepting that the Internet has become a basic utility and that access to it should be considered a universal entitlement, not a luxury that makes life more convenient.

Linkage arguments for supporting or auxiliary rights

The argument for a human right to Internet access is not obvious and has been criticised from several angles. It is not obvious because, no matter how useful the Internet is for people, something's usefulness does not as such justify a right to that thing. Rather, for a person to have a right to something, the object of the proposed right must be morally important enough to place others under an obligation to secure (i.e. protect and/or provide) it for that person (Raz, 1986: 166). Moreover, the idea of Internet access as a human right has been criticised as inconsistent and inflationary. Vinton Cerf, one of the so-called 'fathers of the Internet', for instance has argued that Internet access cannot be a human right because 'technology is an enabler of rights, not a right itself' (Cerf, 2012). In Cerf's view, only things that are immediately relevant for meaningful, healthy lives (e.g. water, food, free speech, freedom of conscience, freedom from torture) can be the object of a human right. Technology, though, is not such a thing but merely a temporarily valuable tool for realising other fundamental rights. Moreover, others have warned that acknowledging Internet access as a human right risks counterproductively inflating the entire category of human rights. Such inflationary use would 'diminish the value of other existing [human] rights' (De Hert and Kloza, 2012) because it would open the door to attributing human rights status also to non-essential moral interests that cannot justify stringent obligations of support and protection. For this reason, some have argued that any duties concerning Internet access should be subsumed under existing human rights, such as the human right to assembly (Skepys, 2012). It is thus important to explain how something like access to the Internet the moral value of which derives from its practical importance for other, more basic moral concerns (like existing human rights) can nonetheless acquire the status of a standalone human right. My argument for the human right to Internet access rests on its usefulness for other (socio-economic) human rights. This section thus explains how rights to something can be justified by their instrumental value for other rights. This connection is established through linkage arguments.

Fundamentally, rights are normative guaranties to the enjoyment of certain protections, services, freedoms, or goods (Nickel, 2016: 3). This means that rights oblige public authorities to provide right-holders with social guarantees against certain standard threats (Shue, 2020: 17). For example, in the absence of a police force, citizens' right to bodily integrity would be standardly threatened by violence from other members of society. For this reason, states maintain a police force to guarantee their citizens' right to bodily integrity. Human rights are particular moral rights that everyone possesses by virtue of being human. Their purpose is to protect the conditions of minimally decent lives and as such deserve international support and protection (Liao, 2015; Nickel, 2007). Most rights are justified because their object is morally important enough to put others under an obligation to protect, respect or provide that object (e.g. bodily integrity). But the objects of some rights (e.g. press freedom) are not themselves

directly morally important enough to warrant the ascription of a claimable right. Instead, these rights are justified because they are extremely useful or even practically necessary for the realisation of other rights. Structurally, such supporting (or ‘auxiliary’ or ‘secondary’) rights thus are *linked* to the supported (or ‘anchor’ or ‘primary’) rights to whose success they greatly contribute. An example of such a linkage argument is the justificatory argument for due process rights. These are justifiable because they protect core civil liberties from improper uses of the criminal law. For instance, the right to a fair trial prevents governments from misusing laws to eliminate opponents (Nickel, 2022: 28). Similarly, journalists’ professional rights to protect their sources are justified because their work supports citizens’ rights to free information and to hold their government accountable (Raz, 1986: 179). Others have argued that democracy is a human right because it best protects basic human rights and liberties (Christiano, 2011).

The structure of all linkage arguments is the same: first, there is an uncontroversial right, for example, our human right to life, liberty and security of person (United Nations, 1948: §3). Second, there are certain conditions that are in practice necessary for the right to be useful to anyone. For example, in our current world that is organised into nation states, these states are the most effective guarantors of people’s rights, such as the human right to life, liberty and security of person. This is shown by the plight of stateless persons who do not enjoy the protection of any state or the millions of inhabitants of the territories occupied by Nazi Germany during the Second World War who were murdered by their oppressors. Third is the crucial insight that, if one endorses the uncontroversial right, one also has very strong reasons to accept its practically necessary conditions: a person’s right to life, liberty and security of person is (in practice) extremely vulnerable without the protection of a particular state. It follows that one has very strong reasons to accept the conditions essential for the right. Thus, we have strong reasons to recognise that all persons have the right to membership in a state, that is, the human right to a nationality (United Nations, 1948: §15) of which they must not be arbitrarily deprived. This reasoning can also be applied to Internet access in the following way:

Premise 1: Everyone has socio-economic human rights (e.g. to social security, education, healthcare).

Premise 2: Internet access is indispensable practically for having adequate opportunities to enjoy many of our socio-economic human rights.³

Premise 3: following ‘a principle of rationality’ (Nickel, 2022: 31), if we endorse an end (i.e. an anchor right) we have very strong or good reasons also to endorse those things and means that are necessary to achieve or realise that end (i.e. a supporting right).

Conclusion: insofar and because Internet access is practically necessary for adequate opportunities to enjoy socio-economic human rights, we have very strong reasons to accept a human right to Internet access.

Of course, many things are helpful for the protection and enjoyment of our rights. However, mere usefulness is insufficient for justifying a right to the useful object. This

is because rights put others and public authorities under an obligation to respect, protect or provide the object of that right (Shue, 2020: 52), and such an obligation must be justifiable to those on whom it is imposed. For instance, it is useful for a person's enjoyment of their human right to education if they have a large sum of money. With this money, they can purchase specialised private tutoring. But someone's interest in getting tutoring is not morally weighty enough to give others a duty to fund their expensive specialised education. In contrast, everyone's interest in receiving a basic, primary education is morally important enough to justify a collective obligation to fund public education for all because a basic education is necessary for the effective use of many other freedoms in a way that a specialised education is not. That is why the human right to education does not entitle people to the free provision of all forms of education but rather to a free *primary* education. This demonstrates that mere usefulness for other rights is insufficient to justify supporting or auxiliary rights through linkage arguments. Rather, the utility of secondary rights for their anchor rights must be exceptionally high.

There are two ways in which the instrumental value of something for an uncontroversial anchor right can be high enough to justify ascribing to it the status of a supporting right. (In sections 'Internet access and socio-economic human rights in developed countries' and 'Internet access and socio-economic human rights in developing countries', I argue that the human right to Internet access is justified along both of these paths.)

First, something can be sufficiently useful to deserve the status of a right in the strongest sense if it is *in practice necessary or indispensable* (i.e. '*practically indispensable*') for the realisation or enjoyment of an uncontroversial anchor right. As James Nickel explains,

Indispensable support can be explained positively as assistance that is both greatly needed and irreplaceable in the sense that there are no practical alternative measures that will adequately provide the support in question. Negatively, indispensable support can be explained as assistance that it would be logically or practically inconsistent to advocate doing without (2022: 35).

For instance, health and adequate healthcare are practically indispensable for the enjoyment of most other rights. A seriously ill person will not be able to use many of their human rights, such as participating in culture, education, free speech and freedom of assembly. As a practical precondition of the enjoyment of other human rights, basic healthcare for treatable illnesses is thus recognised as a human right. Drawing on empirical information is essential for discovering connections between rights and their practical preconditions.⁴

Second, certain things can be granted the status of a right if they are not practically indispensable for any specific right but highly useful for a range of other rights. In such cases, the thing in question is not practically indispensable for any particular right but *systemically indispensable* for several different rights (Nickel, 2016: 298). The justification of the human right to a free press is a case in point. This right contributes to the protection and enjoyment of many other human rights. The information provided by professional journalists contributes to people's rights to free information, to vote, to the respect for due process rights, to hold their government accountable, and thus

indirectly to the protection of democratic governments – which in turn are public authorities that most reliably protect our core political and civil liberties (Christiano, 2011). Crucially, a free press is not absolutely necessary for the enjoyment of any of these rights. Citizens are free to obtain their information in other ways than consuming journalistic media. They can attend public trials in person and they personally follow political processes and decisions. However, having a specialised journalistic press that provides citizens with objective and reliable information is the most effective way for citizens to be informed (considering the amount of information that exists, the highly specialised division of labour in modern societies, and the limited time and expertise that each individual citizen has for obtaining their own information). Professional journalism is most effective if it can operate based on a right to a free press. This right protects journalists from otherwise standardly expectable undue interference from governments for whom the revelations of the professional press can be detrimental. Thus, even though having a free press is not practically necessary for the enjoyment of any other rights, the human right to press freedom crucially supports an entire array of other uncontroversial rights in a highly effective way. This justifies recognising a free press as a right. As we will see, Internet access today plays an analogous systemically supportive role for our socio-economic human rights.

Systemic indispensability in one sense is a weaker and more complex way of justifying an auxiliary right via its usefulness for other rights. It is weaker because each supporting relationship with other rights has practical alternatives. It is more complex because justification along the lines of systemic indispensability requires weighing up the costs and benefits of different alternatives for protecting/realising an anchor right, one of which is realisation via the auxiliary right under consideration (see Nickel, 2016: 298). Such a cost-benefit analysis must show that the auxiliary right is in fact the most effective way to secure the enjoyment of the other uncontroversial anchor rights. This does not mean, though, that this route of systemic indispensability is a less valid or less important pathway for establishing linkage arguments between anchor rights and auxiliary rights. However, the availability of alternative ways of realising anchor rights does mean that there are few rights that can be justified this way. This is because there are few things that are powerful and useful enough for sufficiently many other, uncontroversial rights that the latter could not be realised equally well in alternative ways. As we will see, Internet access is one of these few sufficiently powerful multi-purpose tools that warrants recognition as a standalone right.

The rationale of linkage arguments explains why the aforementioned critiques of a human right to Internet access are unfounded. First, it is not the case that we cannot have rights to things that enable existing rights. For example, the UNESCO have declared that there is a human right to literacy (UNESCO, 1997). Literacy, though, is not a good in itself. It rather is valuable as an enabler of other human rights (e.g. education, freedom of information etc.). Analogously, there is nothing theoretically problematic about a human right to Internet access even though it merely enables other human rights that are our primary concern (such as education, freedom of information, free speech and the socio-economic human rights this article focuses on). Second, we have human rights to other things than those which are immediately necessary for physical survival and minimal political freedom. Many things that we have internationally recognised human rights to are

social constructs, some of which are specific to modern times, and some of which require modern technological means. Examples of this are the human rights to a nationality (United Nations, 1948: §14), to social security and insurance (United Nations, 1966a: §9), to form trade unions (United Nations, 1966a: §8a), to a rights-respecting international order (United Nations, 1948: §28), and to enjoy the benefits of scientific progress and its applications (United Nations, 1966a: §15b). This means that the fact that the Internet is a technology is not as such a reason against attributing to it the status of a human right. Whether this status is warranted instead depends on how important Internet access is for living minimally decent human lives. Third, the rationale that grounds linkage arguments explains why recognising a human right to Internet access does not open the floodgates of human rights inflation. As explained above, the requirements for something to become a right based on its practical or systemic indispensability for other rights are exceptionally high. Thus, few things will pass this instrumental value-based hurdle, and fewer things still the additional requirement of human rights that these must be necessary for living minimally decent lives. Since (as I show below) Internet access has become practically or systemically indispensable for other human rights, there are no theoretical reasons why it could not be recognised itself as a human right.

A final consideration that is essential for understanding linkage arguments regards the levels of realisation of rights. Not all rights entitle holders to the full or maximal realisation of their object (Nickel, 2016). The human right to education is standardly taken to entail only the free provision of *primary* education, but not the free public provision of all forms of education. Equally, the human right to health is standardly interpreted as to entail the free public provision of *basic* healthcare services, but not to the free public provision of the most extensive healthcare. The levels of realisation that a right entails are important for linkage arguments because what is practically indispensable for a high level of realisation of a right might not be relevant for a medium or low level of realisation, which is all the right might entitle people to. For example, a large amount of money is practically indispensable for being able to use the best available healthcare. However, since the human right to health does not entail the most expensive healthcare, this practical indispensability is irrelevant and the human right to health does not entitle people to large amounts of money. In line with this observation, my argument rests on the claim that people are entitled to at least a minimum or medium level of realisation of their socio-economic human rights, rather than to their full realisation. According to my linkage argument, Internet access should be considered as a human right because it is systematically indispensable even for a minimum or medium realisation of these socio-economic rights.

Adequate opportunities to enjoy human rights

As we saw in the previous section, supporting (or auxiliary) rights can be justifiable because they are practically indispensable for other supported (or ‘anchor’) rights, or because they are systemically indispensable for a range of other rights. However, the justifiability of these secondary rights depends on the level of realisation to which the primary right entitles the right-holder. This is important because, if primary or anchor rights were merely formal (i.e. if they would merely ban active discrimination of right-

holders but not ensure any substantive opportunities to enjoy these rights), few things would be practically necessary for any right. A legal system that protects formal freedoms is one such thing, but people would not be entitled to any support enabling them to make use of their rights. Thus, the scope of possible linkage arguments would be limited to what is necessary to prevent formal discrimination or outright rights violations.

Fortunately, such a limited, formal understanding of rights that ignores the practical preconditions of the enjoyment of rights is not widely accepted as plausible. For example, democratic states should provide mail-in ballots upon request to people who cannot vote in person. This ensures that those with limited mobility can make use of their right to vote. Similarly, democratic states should provide a public attorney free of charge to those unable to afford the services of a lawyer to protect their right to legal equality. The need to ensure that people can make use of their rights is also why UN human rights documents require states to provide *free* primary education and free basic healthcare. These mandatory public provisions guarantee that human rights are enjoyable by everyone irrespectively of their financial situation.

As John Rawls explains, for a system of rights to be fair, all rights need to be of a certain worth to their holders that exceeds mere formal equality of opportunity (Rawls, 1999: 179). This does not mean, though, that most of our rights must be of *equal* value to us. This would be impractical and implausible. For example, the rights to the free exercise of one's religion or to a family are useless to those who have no religion and do not want to start a family. Yet they matter to others so that denying these rights and settling on the lowest common denominator would be unjust. Moreover, as Rawls points out, 'some citizens [legitimately] have greater income and wealth and therefore greater means for achieving their ends' (Rawls, 2005: 350). Unequal worth of liberties (including unequal opportunities to make use of rights) is thus not as such an issue.⁵ This means that, first, we normally do not require equal opportunities to enjoy non-political human rights. If equal worth and opportunities were required, privately funded tuition that exceeds primary education and private health insurance that covers more than essential services would be impermissible because they would allow some greater opportunities to enjoy their rights. Second, it is not enough that people have simply formal, or merely 'some' opportunities to enjoy their rights. Rather, they must have *adequate* opportunities to enjoy their rights and ensuring these adequate opportunities is an obligation of public authorities.⁶

What counts as adequate opportunities differs for each right. The adequate worth of liberties cannot be determined theoretically and abstractly, but rather involves normative argument, political judgment, and empirical information. Normative argument is required to determine which interests are morally important enough to place others under a duty to provide certain services or protections as part of a right. Political judgment is indispensable because the burdens placed on the political community by rights claims need to be justifiable to the members. For instance, if extraordinarily expensive drugs developed to treat rare illnesses are included in free public healthcare this creates costs for the taxpayers who fund the public provision. These costs must be weighed against the costs of other public services the community has to provide. Deciding how public funds are spent is thus a matter of public debate and decisions. Finally, opportunities to make use of rights are affected by various empirical factors (e.g. social norms, technology, and even geography). New technological advances, for instance, can lead to new rights

when this technology becomes essential for the realisation of other rights. For instance, before the development of mass media, the human right to a free press was inconceivable. Knowledge of empirical factors is thus essential for understanding what rights people can claim to have and the worth that these liberties have for them.

Normatively, it is important to note that the fact that there are offline options for exercising human rights is not a sound objection against the claim that Internet access is now necessary for having adequate opportunities to exercise these rights. For instance, we can exercise our rights to free speech and information offline without online access. However, once Internet access becomes widespread, offline free speech (e.g. at a townhall meeting) is much less effective than the online exercise of that right (e.g. via social media or blog posts), which reduces the worth of offline free speech relative to that of people who can access the Internet. Moreover, even if a person could exercise, for example, their right to free information as effectively offline as they could online, the opportunity costs in terms of time and energy spent on acquiring information offline (e.g. the latest scientific insights into SARS-COV-2), which could easily be obtained online, means that offline access to information is of problematically less worth compared to online access to the same information. This means that in our digitalised societies, online access is necessary for adequate opportunities to exercise rights like those to free speech or free information.

The same point can be expressed in a more general way. If merely having alternative ways to achieve the goal of a human right than those that are protected by the right would suffice to undermine that right, we would have to eliminate some established human rights. For example, the human right to work is based on the goal of ensuring that everyone has ‘the opportunity to gain [their] living’ (United Nations 1966a: §6.1). Yet, there are alternatives to gain one’s living through employment, such as farming one’s food on one’s property or living off one’s inheritance. If merely having the opportunity to earn a living through means other than employment would count as adequate opportunities to earn a living, the human right to work would be unjustifiable. However, the human right to work protects those who do not have the option to earn a living in ways other than employment because they have no property or inheritance, or because they cannot use these alternatives effectively (e.g. because their property contains unfertile soil). The human right to work thus ensures that everyone has adequate opportunities to earn a living.⁷ In an analogous fashion, having offline options to exercise a human right does not mean one has adequate opportunities to enjoy this right. Instead, as I argue below, Internet access today is necessary for such adequate opportunities to exercise a great many of our human rights.

The following sections contain numerous examples that demonstrate that globally, having adequate opportunities to enjoy socio-economic human rights today requires having access to the Internet. Put differently, the practical value of the Internet for our socio-economic human rights has become so essential that it justifies recognising access to the Internet as a human right itself.

Internet access and socio-economic human rights in developed countries

So far, the argument advanced is that public authorities should recognise a human right to Internet access because such access today is practically necessary for people to have

adequate opportunities to enjoy their socio-economic human rights. After having established the theoretical framework for this argument in the previous sections, the remainder of the paper presents empirical evidence that supports this argument.

This section contains examples that demonstrate the practical and systemic indispensability of the Internet for socio-economic human rights in developed countries. To show that Internet access is of essential practical value not just in affluent societies (where Internet access is already widespread) but in a truly global sense, section 'Internet access and socio-economic human rights in developing countries' will show that Internet access is also essential in developing countries. The distinction between developed and developing countries is relevant because how Internet access affects opportunities for the exercise of human rights depends on factors such as the rate of existing Internet penetration and different levels of provision of public services. For instance, where public services that guarantee human rights (e.g. public education) are decent and Internet access is widespread, online resources (e.g. for learning) allow better opportunities to make use of these human rights. Conversely, where public service provision to guarantee human rights (e.g. healthcare) are poor, online access can make the difference between having some or no degree of enjoyment of these human rights. Recognising a right to Internet access is relevant in developed countries because, even though the Internet is widespread here, it is not universally available. In the United Kingdom, for instance, about 12% of households had no Internet access in their homes in 2018 (Ofcom, 2018: 16). In the US, data from the 2021 census shows that at least 15% of households did not have a broadband Internet subscription in 2018 (US Census Bureau, 2021: 3).

Crucially, my argument is not that a human right to Internet access is justified because online access is necessary for everyone everywhere for the same human rights. Rather, the argument is that a human right to Internet access is justified because online access is necessary for everyone's exercise of at least some human rights everywhere. Thus, as the following examples show, everyone has a human right to Internet access because it is necessary for having adequate opportunities to exercise some (or many) of their other human rights.

Social security

Human rights protect the conditions of minimally decent lives. Thus, everyone has a human right to social security and insurance (United Nations, 1966a: §9). In developed countries, accessing these public services today often is unreasonably difficult without having Internet access. Offering online ways to access public programmes ('e-government') for many governments was initially a matter of improving services for their citizens. However, especially after the global financial crisis of 2008, online services increasingly became a method of cutting costs for governments (Hardill and O'Sullivan, 2018: 3, UK Government's *Digital Efficiency Report* (UK Government, 2012)). For those who have reliable Internet, e-governance is often more convenient than visiting government offices. But for those without Internet, e-government creates significant barriers that make it more difficult to enjoy some of their most important socio-economic human rights. The following examples illustrate this problem.

In the United Kingdom, the social minimum scheme Universal Credit is an online-based system. Applicants are expected to communicate with the Department for Work and Pensions through email to apply for this most basic subsistence benefit. Even though Internet access is not, strictly speaking, a necessity for receiving this payment, in practice the scheme is online-based and difficult to use offline. To make a claim, for instance, an applicant requires an email address. Receiving Universal Credit payments is conditional upon setting up a Claimant Commitment with a work coach, which specifies the duties of the benefit recipient. The Claimant Commitment can be accessed via the claimant's online account. Standard elements of a full-time work search requirement oblige the claimant to 'job search and set up job alarms online', to 'make it easy to be found online' and to 'network with friends, family and on social media' (UK Department for Work & Pensions, 2020). All these commitments can only be complied with online.

In the US, too, Internet access is often presumed for accessing social security services. The states of Connecticut and Iowa only permit applications for unemployment insurance payments through their online systems or in-person at their job centres (State of Connecticut, 2023; State of Iowa, 2023). Most other US states do not offer paper forms for applications for unemployment insurance claims but require applicants to file these online or via the phone. However, phone lines of public services are often busy so that much time is spent in phone queues than is required for making claims to public support online. In the state of New York, those claiming unemployment insurance must recertify that they are unemployed and willing to look for work on a weekly basis. They can do so either by phone (but are discouraged to use this option) or via an online process (New York State, 2023). Reminders to recertify by state's labour department are only sent to applicants via email. Thus, if public services are moved online, having adequate opportunities to access these services require that all have easy access to the Internet. Even though Internet access is not absolutely necessary, it has become practically indispensable for the enjoyment of adequate opportunities to utilise the right to social security and insurance.⁸

Education

Education is a human right (United Nations, 1966a: §13). In contrast to other rights, having *adequate* opportunities to basic education requires having *equal* opportunities because basic education is a positional good of fundamental importance. That is, the absolute value of my education is relative to the education of others (Halliday, 2016: 152): if others have a much better basic education than I do, the value of my education is respectively diminished. Because a basic education is crucial for the exercise of many other rights, to have adequate opportunities everyone thus must have equal opportunities to obtain it.

The need for Internet access for fair opportunities to achieve educational success was highlighted by the lockdowns to combat the spread of COVID-19. Schools were among the first institutions to close and education at this point took place mostly online. In recognition of this fact, the United Kingdom's government promised to provide laptops and free Wi-Fi via mobile phone hotspots to those children

who suffer from digital poverty to prevent them from falling behind (UK Government, 2020).

However, having Internet access has generally become necessary for students to have adequate opportunities to learn. Students in households without Internet access are unjustly disadvantaged in obtaining a good school education. The situation here is parallel to people's opportunity to exercise their political rights. Before the Internet was widespread and there was little educational content online, students did not require online access for having adequate opportunities to achieve good learning outcomes. However, now that the Internet offers essential educational resources, those who cannot access them are objectionably disadvantaged compared to those who have Internet access. Examples of this problematic educational inequality are not difficult to find. A 2018 survey in the UK by the price comparison website Uswitch finds that 69% of parents think the Internet has become essential to their child's education, and that half of their child's homework today is reliant on online access (Uswitch, 2018). This is because students now find essential learning aids and study materials online, for example, via BBC Bitesize and YouTube channels. However, it is not only students who rely on the Internet. Another survey from 2020 conducted by the broadband provider TalkTalk finds that three in four parents rely on the Internet to help their children with their homework (TalkTalk, 2020). Academic research confirms the importance of Internet access for educational success. According to a 2020 study by the Quello Center of Michigan State University 'students who do not have access to the Internet from home or are dependent on a cell phone for access perform lower on a range of metrics, including digital skills, homework completion, and grade point average. They are also less likely to intend on attending college or university' (Hampton et al., 2020: 5). In some settings, schools provide students with digital devices for learning (e.g. laptops or tablets) and expect students to use these. However, if students have no Internet access at home, they are seriously disadvantaged in their attempts to learn and keep up with their peers (Fox, 2016).

Online access has also become indispensable for educational opportunities beyond basic education. Distance learning programmes of universities, for example, are inaccessible (or at least not accessible without great practical difficulties (such as having to use Wi-Fi in libraries for learning activities)) for those who do not have Internet access (Kalid and Pedersen, 2016). Distant learning programmes are the only feasible option to complete university programmes for many people. Child-rearing duties or work often prevent them from undertaking in-person studies. However, if a person in these circumstances has no Internet access, their opportunities to study distant learning programmes at university is extremely limited. Higher education is not part of basic education. However, the human right of education does demand that 'higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education' (United Nations, 1966a: §13.c). Thus, even though free higher education is an aspirational goal, lack of online access runs counter to the more fundamental demand to make higher education equally accessible to all by limiting the opportunities of those who remain offline to pursue higher education remotely.

Health

Health is a human right and entails the provision of basic healthcare (United Nations, 1966a: §12.1). Before the COVID-19 pandemic, the importance of Internet access for healthcare provision was especially salient in rural areas of developed countries. According to Public Health England, for example, ‘digital exclusion in rural areas is a particular problem [because] in a number of areas, digital technology is being used creatively to link people living in areas that are geographically remote with both health and care services’ (Local Government Association, 2017: 22). States must use their public resources effectively and providing in-person care in remote areas can be challenging. In-person medical facilities in remote regions involve high per capita costs. They also require medical professionals to staff them, which can be problematic in rural areas. This is particularly the case in territorially large countries like Canada and the US where it is especially indigenous communities that live remotely and are underserved in terms of medical services. Thus, insofar as adequate digital alternatives to in-person healthcare exist, the usefulness of Internet access for the realisation of the human right to health offers grounds for recognising a right to Internet access (see Reglitz and Rudnick, 2020).

More generally, digital access, skills and confidence are now part of the social determinants of health: ‘Being able to afford Internet access and having the digital skills to use the Internet safely are now essential for education, employment, income, social participation, and access to information and services. All are wider determinants of health’ (Good Things Foundation, 2020: 7). This also demonstrates the systemic indispensability of Internet access because having such access is crucial for the enjoyment of a whole range of rights, all of which in turn are conducive to a person’s health. Directly relevant for promoting health is the fact that the Internet gives people access to medically relevant information, allows them to manage their health using digital services, and to have medical consultations online. Conversely, lack of Internet access widens the gap with respect to health outcomes between the most disadvantaged members of society and the better off. Inequalities in digital access are thus now considered ‘a public health issue’ (Benda et al., 2020: 1123). The COVID-19 pandemic increased the importance of accessing medical services and information online (Thakur et al., 2020: 945). In the United Kingdom, for example, in the month of March 2020 alone, online medical consultations doubled from 900,000 to 1.8 million appointments (Bibby and Leavey, 2020: 10). Thus, the pandemic, remote locations, and existing social disadvantages all show that Internet access has permanently become indispensable to ensure all have adequate opportunities to access and use of their human right to health.⁹

Housing

However, Internet access is not merely important for benefitting from public services, but also for other essential activities. Everyone has the human right to an adequate standard of living, which includes adequate housing. In many developed countries, significant parts of the rental housing market have moved online. In 2019, Craigslist, the dominant online rental platform in the US, was the country’s 15th most frequented website (Boeing, 2020:

250). Online rental platforms have various advantages: they reduce search costs enormously and provide information on available housing in real time. Of course, to access these advantages, one needs online access. Those without reliable Internet access face considerable disadvantages in a housing market that is operating online to a significant extent. This unfortunately means that people who have difficulties affording decent housing also encounter difficulties finding better accommodation because of a lack of Internet access. They have to use offline resources that contain less information, and which are also more difficult to access than a website. Thus, digital poverty problematically reinforces existing socio-economic disadvantages by preventing people from voting with their feet by leaving neglected or dangerous areas:

Disadvantaged communities miss out on the reduced search costs and expanded choice sets provided by online platforms - benefits that instead primarily accrue to already-advantaged communities. A two-tiered system emerges in which privileged communities exchange housing information through one channel, while all others resort to separate channels. These forces perpetuate the self-reinforcing cycles of durable inequality: information segregation limits homeseekers' discovery of housing in neighborhoods different from their own - in turn limiting the ability to integrate neighborhoods for more diversity of incomes, education levels, ages, and ethnicities (Boeing, 2020: 462).

Living in poor neighbourhoods with high crime rates and low-quality education can make adequate living standards impossible. Of course, public authorities have an obligation toward their citizens in these areas to improve the local situation. However, in the absence of such efforts, residents should have the opportunity to better their situation by moving elsewhere and Internet access has become one practical necessity for having this option. From the perspective of human rights, Internet access affects people's opportunities to an adequate standard of living and housing. Those with online access generally have more opportunities to access vital housing markets because online platforms reduce their informational costs. In other words, adequate opportunities to obtain a decent standard of living and housing today require Internet access.

Work

A crucial human right is the right to work as specified in Article 23 of the Universal Declaration of Human Rights. In developed countries today, having access to the Internet has become indispensable for finding and applying for jobs. In these digitalised societies, open positions are increasingly advertised in real time online and people have to be able to access jobs and professional networking websites to make effective use of their right to work. But Internet access is not only useful for jobseekers for finding information about available jobs. Employers also expect job applicants to use online application and communication processes. This poses a significant problem for those without Internet access. One study finds that

Resumes must be stored online, applications must be completed online, and the recommendations, research, and scheduling necessary to land a job all typically involve access to

computers, Internet, and cellphones. In other words, to be employed in the United States today, one is presumed to have reliable access to a range of digital technologies that enable digital storage as part of the employment process (Gershon and Gonzales, 2021: 854).

The effects of digital poverty on employment are therefore parallel to the ones on housing. Those without online access are comparatively and objectionably disadvantaged because they are limited in their access to real-time information concerning open posts and channels of communication with potential employers. Digital poverty for this reason significantly limits people's ability to make use of their human right to work. Adequate opportunities to enjoy this right therefore include the reliable availability of Internet access.

Internet access and socio-economic human rights in developing countries

Internet access is also of unique and essential practical value for the realisation of socio-economic human rights in developing countries where Internet access is less widely spread.

Education

Education is a key human right, upon which the realisation of many other human rights depends (e.g. economic freedoms and political freedoms). Developing countries around the world encounter similar problems in providing basic school education for their citizens. However, children in sub-Saharan Africa face some of the most significant obstacles to their education.

According to the UNESCO, sub-Saharan Africa experiences the highest rate of educational exclusion worldwide with every fifth child between the ages of 6 and 11 being out of school. The rate of those out of school increases to one-third between the ages of 12 and 14. In the cohort of young people between 14 and 17, up to 60% are not in school. The problem of educational exclusion affects girls more than boys with 23% of girls not attending primary schools compared to 19% of boys (UNESCO, 2020a). However, various problems undermine the quality of education also of those who can attend primary and secondary school in sub-Saharan Africa. Many children face long walks to their schools. Distance to school constitutes one of the main reasons why children drop out of school (World Bank, 2018: 179). Class sizes are routinely very large and often exceed 50 pupils, so that individual needs of pupils cannot be addressed. School building infrastructure is often poor, and many schools lack sufficient sanitary installations. In 2018, only 44% of sub-Saharan African primary schools had access to drinking water. Only 34% of these schools had access to electricity so that lack of adequate light and ventilation hinders children's learning (UNESCO, 2016a: 17). Extremely problematic is the lack of textbooks, which often must be shared between several pupils. Another serious issue is the quality of school education in sub-Saharan Africa: in 2018, only 64% of primary school teachers and 50% of secondary school teachers had received formal training (UNESCO, 2019: 1). Besides the lack of

trained teachers, there is a general shortage of them: according to the UNESCO, sub-Saharan African countries will require an additional 17 million primary and secondary school teachers by 2030 (UNESCO, 2016b). Additionally, the UNESCO identifies teacher absenteeism as another serious concern. According to one of its studies of six low- and middle-income countries, teacher absenteeism averaged 19% in 2017 (UNESCO, 2017: 64). Even though the reasons why teachers are absent are often beyond their control (e.g. bad access to schools), their absence still negatively affects pupils' educational opportunities. Consequently, in 2017, 88% of children and adolescents in sub-Saharan Africa were unable to read proficiently and 84% lacked minimal mathematical skills when leaving primary or lower secondary education (UNESCO, 2018: 7). This lack of educational attainment is problematic for the children's development and one of the main obstacles to achieving gender equality in developing countries.

Moving primary and secondary education online cannot address all the worst problems of school children in sub-Saharan Africa. Sufficient teachers need to be trained (also in digital education), school facilities must be built and maintained, and unequal gender norms addressed to achieve a minimally adequate education for all children. However, online education tools can address some of the fundamental problems of sub-Saharan African primary and secondary education and therefore make a significant difference. For example, education becomes less dependent on presence in the classroom if it can be delivered online. This can allow children living remotely from schools to complete their education. More students can be taught more effectively if teaching materials are available digitally and pupils do not have to share books. Gender disparities in education, too, can diminish if girls do not have to undertake unsafe walks to school and use unisex toilets but can study at home. Moreover, education is less dependent on functional school buildings and teacher presence if studying is based on online teaching resources.

Through its work, the non-profit organisation Worldreader has demonstrated the positive potential of digital learning. Since 2010, more than 13 million students from 62 countries have been able freely and equitably to access the many thousand e-books that Worldreader has in its digital library. By December 2019, the organisation had distributed digital books to 552 schools and 154 libraries as well as thousands of e-reader devices in 17 sub-Saharan African countries. This has led to measurable educational success. In an evaluation of pupils who participated in Worldreader's iREAD2 programme, '41 percent of grade 3 iREAD 2 students could read above the minimum proficiency level of 45 correct words per minute in English, compared with 13.4 percent of students in the control group' (Brookings, 2016: 12). Pupils' interest in learning was also increased by having access to more textbooks (in 2012, in Ghana, pupils supported by Worldreader had access to 140 books compared to regular pupils who on average only had access to 1.2 books, see Brookings 2016: 11, 12). The work of Worldreader has also provided teachers with educational teaching materials (Brookings 2016: 11). To take another example, the Global Education Coalition (organised by the UNESCO in May 2020) that responded to widespread school closures caused by the global COVID-19 pandemic reached a large number of children. Members of this coalition (the digital services providers Orange and Vodafone) enabled free access to distance learning platform for millions of learners around the world (UNESCO, 2020b).

None of these examples imply that developing countries should not improve their in-person education or strive to replace classroom education with digital learning. However, considering the benefits that online learning can offer those who are disadvantaged in their education, it is unsurprising that the UNESCO finds that in developing countries, ‘a great deal is riding on the use of information communication technologies in education’ (UNESCO, 2015: 48). Among the benefits of digital education highlighted by the UNESCO are new possibilities for the personalised evaluation of pupils’ performance, test preparation, distance tutoring, learning tools based on play, improved teacher training and better national educational policy-making based on data on student learning (UNESCO, 2015: 50–53). In particular, considering the investments that developing states would have to make in physical learning resources, teacher training and school infrastructure, the costs of digital education appear comparatively reasonable. Online-based education can therefore improve or make possible the enjoyment of the human right to education of large number of children in the poorest regions of the world. It can enable many pupils in these countries to receive a decent basic school education at all.

Health and Internet access

For people in developing countries, Internet access can also make the difference between receiving some adequate level of healthcare or receiving little to none at all. Internet access in these situations is at present a necessary condition for some minimal level of realisation of people’s human right to health. Internet can improve healthcare in non-affluent societies because it is essential for digital healthcare or ‘eHealth’, which refers to ‘the use of information and telecommunication technologies (ITCs) for health purposes’ (Broadband Commission, 2017: 4).

Sub-Saharan African countries in particular face several obstacles to guaranteeing adequate healthcare. They have relatively few healthcare professionals and medical service provision is particularly problematic in remote and rural areas. People in these areas often also lack knowledge and awareness relevant for preventing and treating illnesses. Digital health offers numerous benefits that can help overcome these obstacles to a significant degree. According to the UN’s Broadband Commission, the use of digital technology via the Internet can increase access to, and improve the quality of, healthcare. Digital health tools also diminish the costs of providing healthcare and enable patients to take more control over the management of their own health. The World Health Organization (WHO) thus stresses the crucial relevance of the Internet for realizing the human right to health, especially in developing countries. In its 2016 report *Global Diffusion of eHealth: Making Universal Health Coverage Achievable*, the WHO explicitly acknowledges that ‘it has become increasingly clear that universal health coverage cannot be achieved without the support of eHealth’ (World Health Organization, 2016: 5). In other words, Internet access is practically necessary for guaranteeing everyone’s enjoyment of a minimal degree of their human right to health. Several examples illustrate how Internet access helps facilitate medical care for people in developing countries that they would otherwise not receive.

For instance, digital health tools can help diagnose illnesses. In Kenya, a smartphone-based Portable Eye Examination Kit (Peek) has been used to test people’s eyesight by

using cell-phone cameras and a Retina adaptor. This cost- and time-saving procedure identifies people who need treatment, especially in remote areas underserved by medical practitioners. These people would otherwise not receive a diagnosis because they would have to travel to urban centres and be assessed in medical facilities that have limited capacities. The WHO estimates that ‘if all people with eye or vision problems had immediate access to diagnosis and prompt care [as enabled by Peek], 80% of the world’s blindness could be eliminated’ (World Health Organization, 2016: 72). In rural Kenya, a mobile phone-based electrocardiogram application was successfully used to detect atrial fibrillation, which helped prevent strokes in patients (Bervell and Al-Sammaraie, 2019: 12). In rural Uganda, the local scarcity of pathologists was overcome with the help of web-based media for the analysis of samples and specimen (e.g. cells) to diagnose health issues (Bervell and Al-Sammaraie, 2019: 8).

Moreover, Internet-enabled digital health solutions are crucial for health education and information-sharing purposes. In Uganda, Internet-based sex education programmes are used to teach young people how to prevent HIV infection (Bervell and Al-Sammaraie, 2019: 6). In Ethiopia, where most births occur outside healthcare facilities, the use of a free smartphone app developed by the Danish Maternity Foundation in collaboration of the Universities of Copenhagen and Southern Denmark improved the skills and knowledge of birth attendants. Randomised controlled trials show that the use of the app reduced perinatal mortality from 23 per 1000 births to 14 per 1000 births (Lund et al., 2016). Another example of the use of the Internet in the delivery of healthcare and health-related knowledge is the ‘Save Heart Kashmir’ initiative (Save Heart Kashmir, 2018). Here, local volunteers and cardiologists in distant urban centres use the messenger service WhatsApp to enable basic cardio emergency diagnosis and treatment instructions to remote mountainous regions where people are days away from the nearest hospital (Ellis-Petersen, 2020). By way of this digitally enabled service, cardiologists and volunteers were able to save the lives of patients who otherwise would have had no access to diagnosis or treatment. The Internet shutdowns imposed in the region by the Indian government in 2019–2020 thus led to the death of people suffering cardio emergencies as the initiative was not able to operate.

As these examples show, Internet access in developing countries is indispensable for realising some degree of medical care for many people. This is especially the case for those who live in rural and remote areas that are underserved by medical professionals and that are unlikely to see the installation of new healthcare delivery facilities anytime soon. Internet access for these people has enabled, and thus become a practically indispensable condition of, the provision of the medical care entailed by their human right to health.

Economic freedoms and Internet access

Everyone has a human right to work, ‘which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts’ (United Nations, 1966a: §6), and the Internet offers unique and novel opportunities to participate in the economy. Specifically, in developing countries, Internet access enables the financial

inclusion of people who are otherwise excluded from financial services that are essential for participating in the economy.

Financial inclusion means that people have access to financial services such as a bank account, payments, transactions, savings, credit and insurance (Evans, 2018: 568). Access to financial services is crucial for everyday life (e.g. for paying bills or receiving a salary) and for running a business. In modern societies it is difficult to make use of economic freedoms without access to such services. It is thus highly problematic that, according to the World Bank, in 2017, 1.7 billion people (of whom 65% were women) were 'unbanked', that is, without a bank account (World Bank, 2017: 4). Besides a lack of money, the most common reason for this financial exclusion is the costs and distance involved in accessing financial institutions (World Bank, 2017: 5). It is precisely these issues that Internet access can help solve.

In developing countries, people are often confronted with a lack of brick-and-mortar banks. Before the invention of digital services, if there was no bank sufficiently close, people could not make use of financial services. However, in developing societies Internet access makes possible financial inclusion. First, online access enables 'mobile money' (e.g. Internet banking) and makes financial services and products available without the need to visit a bank in person. It is thus unsurprising that in 2016, there were already 100 million active users of mobile money in sub-Saharan Africa (Makina, 2019: 309). However, online access alone is insufficient for financial inclusion. States also need to ensure an effective regulatory environment to ensure that economic activities can safely and reliably take place. Moreover, financial inclusion requires lenders willing to lend to poor customers (Evans, 2018: 577). Problematically, many small- and medium-sized enterprises in developing countries have difficulties obtaining financial credit from banks because they do not have sufficient capital or other guarantees to be attractive customers. However, there is a second way in which Internet access helps such small and medium businesses that are excluded from credit even if they have in-person access to banks: online access allows these businesses to raise funds via Internet-based crowdfunding platforms. Thus, they can attract credit directly (and without involvement of intermediaries such as banks) in the form of small contributions from groups or individuals that are willing to lend to them. The World Bank expects the sums raised in Africa via crowdfunding to rise from \$32 million in 2015 to \$2.5 billion in 2025 (Makina, 2019: 313). However, currently a major obstacle to the use of crowdfunding is the low Internet penetration in African countries (Makina, 2019: 315).

The examples of mobile money and crowdfunding show how Internet access promotes financial inclusion. Given the lack of physical financial institutions in many places, and the fact that many small businesses are unattractive to these banks as customers, financial technology or FinTech, enabled by the Internet, is the only way for many people to escape financial exclusion. Since financial inclusion is essential for participating in the economy and for exercising economic freedoms, Internet access in many developing countries is a practical necessity for at least some level of realisation of important economic human rights, such as the right to work. For people who depend on FinTech, Internet access is not a luxury. For them it is rather a necessity for the opportunity to be active economic agents and to be able to effectively manage their everyday lives in modern societies. It is therefore unsurprising that financial inclusion has been found to significantly reduce

poverty and income inequality in developing countries, and that Internet access promotes financial inclusion (Omar and Inaba 2020).

The Internet also offers opportunities for jobseekers in developing countries by connecting them with employers more efficiently. In South Africa, for example, the UNESCO supports the automated job matching platform Giraffe (UNESCO, 2020c). Jobseekers can create their CVs and store it on this platform. The latter's algorithm then matches them with businesses looking for employees. This process also helps companies to identify suitable candidates by enabling jobseekers to submit voice notes in support of their applications. By 2020, the platform had attracted more than 1 million jobseekers and thousands of employers.¹⁰

Summary

The above examples of how Internet access has become crucial for the enjoyment of socio-economic human rights are by no means exhaustive.¹¹ However, they show that Internet access can make the difference between enjoying access to some healthcare, education and financial inclusion essential for participating in the economy – and having access to none. Internet access is thus practically indispensable for adequate opportunities to realise these rights in developing countries. This justifies recognising a human right to Internet access. Jointly, these examples also show that a right to Internet access is also justifiable via the pathway of systemic indispensability: even if one denies that Internet access is indispensable for any particular socio-economic human right in developing countries, the fact that it is that systemically indispensable for guaranteeing adequate opportunities to enjoy many of these rights provides strong reasons for recognising a protected entitlement to access to the Internet for everyone.

This section and the previous one have provided examples of how Internet access has become practically and systemically indispensable for the enjoyment of socio-economic human rights around the globe. They thus provide the empirical information that supports the case for a linkage argument for human right to Internet access, which can be formalised as follows:

Premise 1: Socio-economic rights are human rights.

Premise 2: Everyone must have adequate opportunities to enjoy their human rights.

Premise 3: Globally, Internet access is practically and/or systemically indispensable for having adequate opportunities to enjoy socio-economic human rights.

Premise 4: We have strong rational reasons to endorse and secure all means and conditions necessary for having adequate opportunities to enjoy our human rights.

Conclusion: We have strong rational reasons to accept a human right to Internet access because it is a practical necessity for adequate opportunities to enjoy socio-economic human rights around the globe.

It is important to note that such a standalone human right would protect Internet access in a particularly robust way. Few rights are absolute and even crucial rights (e.g. to free speech or free assembly) can be legitimately curtailed in specific circumstances. If access to the Internet as a right is merely subsumed under, or only seen as an instantiation of, a particular other right, a person can lose their right to access the Internet if that grounding right is legitimately curtailed (Çalı 2020; Pollicino, 2020). The problem with this, though, is that the Internet is morally important for much more than any other specific human right, as this article as shown. A person who loses access to the Internet loses much more than the opportunity to exercise the single right that Internet access might be tied to. However, a standalone human right to Internet access would secure online access also for a person who has one or some of their human rights legitimately curtailed.

The Internet has unique instrumental value for the realisation of many of our human rights because it works very differently than previous mass media such as newspapers, radio or television. On the one hand, it allows for the faster and wider distribution of unprecedented amounts of information, which it also makes searchable. Moreover, though, the Internet permits those who have access to it to become senders (rather than merely receivers) of information that is relevant for human rights. This allows Internet users, for example, to submit job applications, to send medical information to healthcare professionals, to manage their finances and business online, to make social security claims, to submit educational assessments online and generally to communicate remotely with others. It is because of the Internet's structure that enables the mutual exchange of information that it 'has become an indispensable tool for realizing a range of human rights, combating inequality, and accelerating development and human progress' (United Nations, 2011: 22). It is this potential that should be protected and deployed by declaring access to the Internet a human right.

The question what a human right to Internet access entails is a crucial one that unfortunately is beyond the scope of this paper. However, what can be said here is that such a right plausibly must entail positive and negative obligations for public authorities. Positively, public authorities should provide Internet access free of charge (in whatever form) for those who are unable to afford it and (as mentioned above) basic digital skills training for all citizens. Negatively, public authorities should protect Internet access from arbitrary interferences by states and private companies. Moreover, since Internet access is indispensable for human rights everywhere, it should be a human (rather than a national) right. It also is properly conceived as a human right because human rights are matters of international concern (Beitz, 2009) and there are justifiable international responsibilities to aid the realisation of universal online access and to cooperate internationally to contain the spread of digital authoritarianism (Freedom House, 2018), surveillance capitalism (Zuboff, 2019) and misinformation (Freedom House, 2019). Clarifying the details of these obligations remains the task for another occasion.

Conclusion

The main point of this article is that a human right to Internet access is justifiable based on its instrumental value for a range of socio-economic human rights. Internet access has

globally become indispensable in practice for adequate opportunities to enjoy these rights. First, even if people have offline opportunities, for example, to access social security schemes or find housing, they are at an objectionable comparative disadvantage to those who have Internet access. Second, often Internet access is the only practically feasible way for people to enjoy many of their socio-economic human rights. Thus, by using linkage arguments, we see that there are strong reasons to accept that Internet access should be recognised as a human right because it is practically indispensable for the enjoyment of our socio-economic rights in a digital age. Internet access of course also creates new dangers and risks (e.g. online surveillance, disinformation and bullying as well as privacy concerns and digital oppression) that are beyond the scope of this paper. However, we are not going to abolish the Internet and so must learn how to use it for the promotion of human rights and how to check new threats that it gives rise to. Moreover, the value Internet access has for human rights provides reasons for public authorities properly to regulate this new medium, and to protect its users from the dangers it produces in an unchecked state. Herein lies one of the most urgent tasks of public institutions today because being able to access and freely use the Internet has become necessary for adequate opportunities to lead decent lives. Since there are many ways in which Internet access is essential for our lives today, it should itself be recognised as a human right.

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Notes

1. There are many reasons why people remain offline. These concern a lack of digital infrastructure, basic digital skills or affordable data. One significant obstacle for people in developing countries, though is the cost of digital devices. As the United Nation's Broadband Commission states 'nearly 2.5 billion people live in countries where the cost of the cheapest available smartphone is a quarter or more of the average monthly income. In Africa, devices remain out of reach for many, where devices cost on average 62.8 per cent of average monthly income' (Broadband Commission, 2021: 6).
2. According to ITU estimates, nearly \$428 billion USD would be required, predominantly for costs in the least developed countries, to realise universal broadband coverage until 2030. This money would be needed to build amongst other things 'around 2.6 million 4G BTS [base transceiver states] and 700.000 km of backbone fibre transmission infrastructure would have to be rolled out on top of the existing broadband network capabilities' (ITU, 2020: 4).
3. This presupposes the further premise (to be explained in the section 'Adequate opportunities to enjoy human rights') that we have to have adequate opportunities to enjoy these rights. For the sake of keeping this more concrete example analogous to the general structure of linkage arguments, this step here is included in premise 2.
4. 'Practical necessity' is not the same as what Shue calls 'inherent necessity' (Shue, 2020: 26). Practical necessity refers to a means-end-relationship (e.g. Internet access is practically necessary (or indispensable) as a means for having adequate opportunities to enjoy socio-economic human rights) while 'inherent necessity' refers to a conceptual or 'logical' (Nickel, 2022: 33) connection between two things. Shue argues that guarantees for physical security and subsistence are not simply useful for other rights such as the right to free assembly. Rather, according to him, security and subsistence are 'essential parts' (Shue, 2020: 33) of other rights because it is impossible to, for example, freely assemble if one's physical security is under threat, or one is starving. Similarly, Nickel argues that the right to free movement is conceptually a necessary part of the right to free assembly because it would be 'logically inconsistent' (Nickel, 2022: 34) to accept the right to free assembly without the right to free movement. However, inherently necessary or conceptual connections between rights are difficult to be established and can depend on empirical contingencies. Jesse Tomalty (2020), for instance, points out that (despite Shue's claim) it seems possible for severely malnourished people (whose right to subsistence is not fulfilled) to nonetheless enjoy other rights such as freedom from torture or equality before the law. Equally, the opportunities that the Internet provides for meeting with others online, which large parts of humanity that already enjoy Internet access came to rely on during the lockdowns to curb the spread of COVID-19, contradict Nickel's claim that free assembly is not possible without free physical movement. Presumably, there are thus few rights that are 'inherently necessary' or 'conceptually connected' to other rights based on the support they provide for each other. The human right to life seems to be a clear instance of a right whose enjoyment is conceptually and inherently necessary for the enjoyment of most other rights. However, my present argument does not rest on the claim of an inherent or conceptual connection between Internet access and socio-economic human rights. In fact, it is quite obvious that we can generally exercise our socio-economic human rights offline and the International Covenant of Economic, Social, and Cultural Rights was established before the Internet existed. Rather, my argument is that Internet access today is practically and systemically

indispensable for having adequate opportunities to enjoy or human rights. As explained at the end of the section ‘Adequate opportunities to enjoy human rights’, the existence of offline alternatives to online uses of our socio-economic human rights does not undermine the claim that Internet access should be a human right.

5. For Rawls, political equalities are exempt from this. These must be of equal, fair value to everyone (Brighouse, 1997).
6. In Rawls’s theory, adequate opportunities are ensured because the unequal worth of liberties is constrained by the Difference Principle’s maximin rule on socio-economic inequalities.
7. I thank Jeremy Williams for this point.
8. Increased reliance on the Internet to access public services has also created barriers for those who remain offline and for those who lack basic digital skills. This especially regards older adults. However, this age-based digital inequality has been found to be related to socio-economic status: those less well-off are also the ones most likely to lack digital skills. That is, the disadvantages of socio-economic inequality are compounded by a lack of digital skills (Hargittai et al., 2019). Besides its relevance for a great number of human rights, the Internet is also important in other ways for older people. Various studies have found, for instance, that Internet use reduces their loneliness and social isolation (Silva et al., 2022; Stockwell et al., 2021; Yu et al., 2021). The right response to the problem of lacking digital skills among older adults is therefore not to reject the idea of a human right to Internet access. Rather, acknowledging such a human right plausibly entails accepting a duty of public authorities to provide digital skills training for older adults. This is also a central demand of digital inclusion charities such as Citizens Online (2023).
9. It has to be noted that the Internet can also be detrimental to public health as it enables the distribution of false health-related information, for example, during the COVID-19 pandemic (Parmet and Paul, 2020; Sheldon, 2020). However, this should not lead to a paternalistic refusal to guarantee Internet access for all in order to protect those who remain offline from coming into contact with misinformation. Instead, a human right to Internet access plausibly requires that public authorities combat the spread of false information, for example, by requiring social media platforms (that are often main conduits for misinformation) to remove false claims that can jeopardise public health, public security, or public order. Such limitations of the human right to free expression are generally legitimate according to the International Covenant on Civil and Political Rights, §19.3(b), which permits restricting free speech if this is necessary for ‘the protection of national security or of public order, or of public health or morals’ (United Nations, 1966b). I thank an anonymous reviewer of this journal for asking me to address this point.
10. I thank an anonymous reviewer of this journal for this example.
11. This article has, for example, said nothing about how important the Internet has become for participating in cultural activities or its special relevance for people with disabilities for their enjoyment of their human rights.

References

- Beitz C (2009) *The idea of human rights*. Oxford: Oxford University Press.
- Benda NC, Veinot TC, Sieck CJ, et al. (2020) Broadband internet access is a social determinant of health! *American Journal of Public Health* 110(8): 1123–1125.

- Bervell B and Al-Samarraie H (2019) A comparative review of mobile health and electronic health utilization in sub-Saharan African countries. *Social Science & Medicine* 232: 1–16.
- Bibby J and Leavey C (2020) Learning from lockdown. How can we build a healthier future post-COVID-19? *The Health Foundation*. Available at: <https://www.health.org.uk/publications/long-reads/learning-from-lockdown> (accessed 15 March 2023).
- Boeing G (2020) Online rental housing market representation and the digital reproduction of urban inequality. *Environment and Planning A: Economy and Space* 52(2): 449–468.
- Brighouse H (1997) Political equality in justice as fairness. *Philosophical Studies* 86(2): 155–184.
- Broadband Commission (2017) *Digital health. A call for government leadership and cooperation between ICT and health*. Available at: <https://broadbandcommission.org/publication/digital-health/> (accessed 15 March 2023).
- Broadband Commission (2021) *The state of broadband. People-centred approaches for Universal broadband*. Available at: <https://broadbandcommission.org/publication/state-of-broadband-2021/>. (accessed 15 March 2023).
- Brookings (2016) *Worldreader. Creating a culture of e-reading around the globe*. Available at: <https://www.brookings.edu/wp-content/uploads/2016/07/FINAL-Worldreader-Case-Study.pdf> (accessed 15 March 2023).
- Çalı B (2020) The case for the right to meaningful access to the internet as a human right in international law. In: Von Arnould A, Von der Decken K, and Susi M (eds) *The Cambridge handbook of new human rights. Recognition, novelty, rhetoric*. Cambridge: Cambridge University Press, 276–283.
- Cerf VG (2012) Internet access is not a human right. *New York Times*, 4 January.
- Christiano T (2011) An instrumental argument for a human right to democracy. *Philosophy & Public Affairs* 39(2): 142–176.
- Citizens Online (2023) *What we do*. Available at: <https://www.citizensonline.org.uk/what-we-do/> (accessed 15 March 2023).
- De Hert P and Kloza D (2012) Internet (access) as a new fundamental right. Inflating the current rights framework? *European Journal of Law and Technology* 3(3).
- Ellis-Petersen H (2020) 'Many lives have been lost': five-month internet blackout plunges Kashmir into crisis. *The Guardian*, 5 January.
- Evans O (2018) Connecting the poor: the internet, mobile phones and financial inclusion in Africa. *Digital Policy, Regulation and Governance* 20(6): 568–581.
- Fox S (2016) An equitable education in the digital age: providing internet access to students of poverty. *Journal of Education & Social Policy* 3(3): 12–20.
- Freedom House (2018) *Freedom of the net 2018. The rise of digital authoritarianism*. Available at: <https://freedomhouse.org/report/freedom-net/2018/rise-digital-authoritarianism> (accessed 15 March 2023).
- Freedom House (2019) *Freedom of the net 2019. The crisis of social media*. Available at: <https://freedomhouse.org/report/freedom-net/2019/crisis-social-media> (accessed 15 March 2023).
- Gershon I and Gonzales A (2021) You got a hole in your belly and a phone in your hand: how US government phone subsidies shape the search for employment. *New Media & Society* 23(4): 853–871.
- Good Things Foundation (2020) *Digital inclusion in health and care: lessons learned from the NHS widening digital participation programme (2017-2020)*. Available at: <https://www.goodthingsfoundation.org/research-publications/digital-inclusion-health-and-care-lessons-learned-nhs-widening-digital/> (accessed 15 March 2023).

- Halliday D (2016) Private education, positional goods, and the arms race problem. *Politics, Philosophy & Economics* 15(2): 150–169.
- Hampton KN, Fernandez L, Robertson CT, et al. (2020) Broadband and student performance gaps. *Quello Center, Michigan State University*. Available at: <https://quello.msu.edu/broadbandgap/> (accessed 15 March 2023).
- Hardill I and O’Sullivan R (2018) E-government: accessing public services online: implications for citizenship. *Local Economy* 33(1): 3–9.
- Hargittai E, Piper AM, and Morris MR (2019) From internet access to internet skills: digital inequality among older adults. *Universal Access in the Information Society* 18(4): 881–890.
- ITU (2020) *Connecting humanity. Assessing investment needs of connecting humanity to the Internet by 2030*. Available at: <https://www.itu.int/en/mediacentre/Pages/PR16-2020-ITU-publishes-Connecting-Humanity-study.aspx> (accessed 15 March 2023).
- ITU (2021) *Measuring digital development. Facts and figures 2021*. Available at: <http://handle.itu.int/11.1002/pub/81ad42ea-en> (accessed 15 March 2023).
- Kalid S and Pedersen MJL (2016) Digital exclusion in higher education contexts: a systematic literature review. *Procedia – Social and Behavioural Sciences* 228: 614–621.
- Liao SM (2015) Human rights as fundamental conditions of for good life. In: Cruft R, Liao SM, and Renzo M (eds) *Philosophical foundations of human rights*. Oxford: Oxford University Press, 79–100.
- Local Government Association (2017) *Health and wellbeing in rural areas*. Available at: <https://www.local.gov.uk/health-and-wellbeing-rural-areas> (accessed 15 March 2023).
- Lund S, Boas IM, Bedesa T, et al. (2016) Association between the safe delivery app and quality of care and perinatal survival in Ethiopia: a randomized clinical trial. *JAMA Pediatrics* 170(8): 765–771.
- Makina D (2019) The potential of FinTech in enabling financial inclusion. In: Makina D (ed) *Extending financial inclusion in Africa*. London: Academic Press, 299–318.
- Mathiesen K (2012) The human right to internet access: a philosophical defence. *International Review of Information Ethics* 18: 9–21.
- New York State (2023) *Certify for weekly unemployment insurance benefits*. Available at: <https://dol.ny.gov/unemployment/certify-weekly-unemployment-insurance-benefits> (accessed 15 March 2023).
- Nickel J (2007) *Making sense of human rights, 2nd ed.* Oxford: Wiley-Blackwell.
- Nickel J (2016) Can a human right to health care be justified by linkage arguments? *Theoretical Medicine and Bioethics* 37(4): 293–306.
- Nickel J (2022) Linkage arguments for and against rights. *Oxford Journal of Legal Studies* 42(1): 27–47.
- Ofcom (2018) *Access and inclusion in 2018. Consumers’ experiences in communications markets*. Available at: <https://www.ofcom.org.uk/research-and-data/multi-sector-research/accessibility-research/access-and-inclusion> (accessed 15 March 2023).
- Omar A and Inaba K (2020) Does financial inclusion reduce poverty and income inequality in developing countries? A panel data analysis. *Journal of Economic Structures* 9: 1–25.
- Parnet WE and Paul J (2020) COVID-19: the first posttruth pandemic. *American Journal of Public Health* 110(7): 945–946.
- Pollicino O (2020) The right to Internet access. Quid iuris? In: Von Arnould A, Von der Decken K, and Susi M (eds) *The Cambridge handbook of new human rights. Recognition, novelty, rhetoric*. Cambridge: Cambridge University Press, 263–275.

- Rawls J (1999) *A theory of justice. Revised edition*. Cambridge: Harvard University Press.
- Rawls J (2005) *Political liberalism. Expanded edition*. New York: Columbia University Press.
- Raz J (1986) *The Morality of Freedom*. Oxford: Clarendon Press.
- Reglitz M (2020) The human right to free internet access. *Journal of Applied Philosophy* 37(2): 314–331.
- Reglitz M and Rudnick A (2020) Internet access as a right for realizing the human right to adequate mental (and other) health care. *International Journal of Mental Health* 49(1): 97–103.
- Save Heart Kashmir (2018) *Save heart Kashmir. Let's save a heart*. Available at: <http://www.saveheartkashmir.org/> (accessed 15 March 2023).
- Shandler R and Canetti D (2019) A reality of vulnerability and dependence: internet access as a human right. *Israel Law Review* 52(1): 77–98.
- Sheldon T (2020) A post-truth pandemic? *Big Data & Society* 7(2): 1–6.
- Shue H (2020) *Basic rights. Subsistence, affluence & U.S. foreign policy. 40th anniversary edition*. Princeton: Princeton University Press.
- Silva P, Matos AD, and Martinez-Pecino R (2022) Can the internet reduce the loneliness of 50+ living alone? *Information, Communication & Society* 25(1): 17–33.
- Skepy B (2012) Is there a human right to the internet? *Journal of Politics and Law* 5(4): 15–29.
- State of Connecticut (2023) *Unemployment benefits*. Available at: <https://portal.ct.gov/Services/Jobs-and-Employment/Unemployment/Unemployment-Benefits> (accessed 15 March 2023).
- State of Iowa (2023) *File a claim for unemployment insurance benefits*. Available at: <https://www.iowaworkforcedevelopment.gov/file-claim-unemployment-insurance-benefits> (accessed 15 March 2023).
- Stockwell S, Stubbs B, Jackson SE, et al. (2021) Internet use, social isolation and loneliness in older adults. *Ageing & Society* 41(12): 2723–2746.
- TalkTalk (2020) *3 in 4 parents rely on the internet to help kids with homework*. Available at: <https://www.talktalkgroup.com/article/talktalkgroup/2020/3-in-4-parents-rely-on-the-internet-to-help-kids-with-homework> (accessed 15 March 2023).
- Thakur N, Lovinsky-Desir S, Bime C, et al. (2020) The structural and social determinants of the racial/ethnic disparities in the U.S. COVID-19 pandemic. What's our role? *American Journal of Respiratory and Critical Care Medicine* 202(7): 943–949.
- Tomalty J (2020) The link between subsistence and human rights. In: Brooks T (eds) *The Oxford handbook of global justice*. Oxford: Oxford University Press, 183–198.
- UK Department for Work & Pensions (2020) *Universal credit and you*. Available at: <https://www.gov.uk/government/publications/universal-credit-and-you/draft-uc-and-you> (accessed 15 March 2023).
- UK Government (2012) *Digital efficiency report*. Available at: <https://www.gov.uk/government/publications/digital-efficiency-report> (accessed 15 March 2023).
- UK Government (2020) *Get help with technology during coronavirus (Covid-19)*. Available at: <https://www.gov.uk/guidance/get-help-with-technology-for-remote-education-during-coronavirus-covid-19> (accessed 15 March 2023).
- UNESCO (1997) *Adult education. The Hamburg Declaration*. Available at: <https://www2.unil.unesco.org/adult-education/confintea/adult-education-hamburg-declaration-agenda-future> (accessed 15 March 2023).
- UNESCO (2015) *Digital services for education in Africa*. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000231867> (accessed 15 March 2023).

- UNESCO (2017) *Global education monitoring report 2017/18: accountability in education*. Available at: <https://en.unesco.org/gem-report/report/2017/accountability-education> (accessed 15 March 2023).
- UNESCO (2018) *Fact sheet no. 46: More than one-half of children and adolescents are not learning worldwide*. Available at: <https://bangkok.unesco.org/content/more-one-half-children-and-adolescents-are-not-learning-worldwide> (accessed 15 March 2023).
- UNESCO (2019) *World teachers day 2019 fact sheet*. Available at <http://uis.unesco.org/en/news/world-teachers-day-2019>.
- UNESCO (2016a) *School resources and learning environment in Africa*. Available at: <http://uis.unesco.org/en/topic/education-africa> (accessed 15 March 2023).
- UNESCO (2016b) *Closing the teacher gap: almost 69 million teachers needed*. Available at: <http://uis.unesco.org/en/blog/closing-teacher-gap-almost-69-million-teachers-needed> (accessed 15 March 2023).
- UNESCO (2020a) *Education in Africa*. Available at: <http://uis.unesco.org/en/topic/education-africa> (accessed 15 March 2023).
- UNESCO (2020b) *Global education coalition facilitates free internet access for distance education in several countries*. Available at: <https://en.unesco.org/news/global-education-coalition-facilitates-free-internet-access-distance-education-several> (accessed 15 March 2023).
- UNESCO (2020c) *Giraffe: South African automated job matching platform*. Available at: <https://www.unicef.org/innovation/innovation-fund-giraffe> (accessed 15 March 2023).
- United Nations (1948) *Universal declaration of human rights*. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (accessed 15 March 2023).
- United Nations (2011) *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank LaRue*. Available at: https://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf (accessed 15 March 2023).
- United Nations (1966a) *International covenant on economic, social, and cultural rights*. Available at: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>. (accessed 15 March 2023).
- United Nations (1966b) *International covenant on civil and political rights*. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (accessed 15 March 2023).
- US Census Bureau (2021) *Computer and internet use in the United States: 2018*. Available at: <https://www.census.gov/library/publications/2021/acs/acs-49.html> (accessed 15 March 2023).
- Uswitch (2018) *Digital poverty line: poor broadband services see 1.2 million children falling behind*. Available at: <https://www.uswitch.com/media-centre/2018/03/digital-poverty-line-poor-broadband-services-see-1-2-million-children-falling-behind/> (accessed 15 March 2023).
- World Bank (2017) *The global Findex database 2017*. Available at: <https://openknowledge.worldbank.org/handle/10986/29510>.
- World Bank (2018) *Facing forward: schooling for learning in Africa*. Available at <https://www.worldbank.org/en/region/afr/publication/facing-forward-schooling-for-learning-in-africa> (accessed 15 March 2023).
- World Health Organization (2016) *Global diffusion of eHealth: making universal health coverage achievable*. Available at: <https://www.who.int/publications/i/item/9789241511780> (accessed 15 March 2023).

Yu K, Wu S, and Chi I (2021) Internet use and loneliness of older adults over time: the mediating effect of social contact. *The Journals of Gerontology: Series b* 76(3): 541–550.

Zuboff S (2019) *The Age of Surveillance Capitalism. The Fight for a Human Future at the New Frontier of Power*. London: Profile Books.

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