



Human Rights in the Digital Age

IV lecture: Protection of specific rights in the digital age

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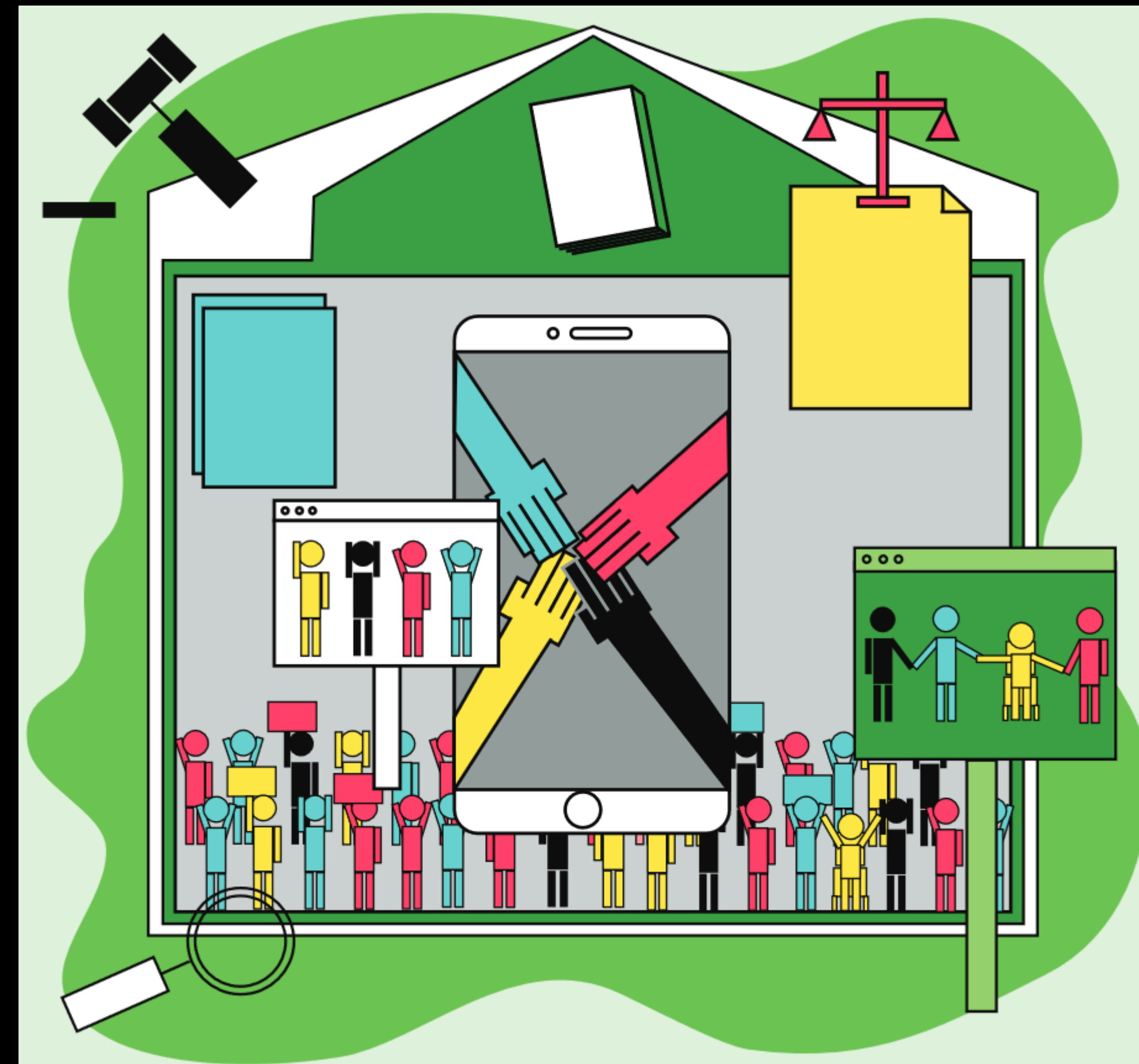
Outline

1. Freedom of assembly and association on the Internet
2. Freedom of religion in the digital age
3. Right to a fair trial online
4. Right to free elections in the digital age
5. Right to education in the digital age
6. Right to healthcare online

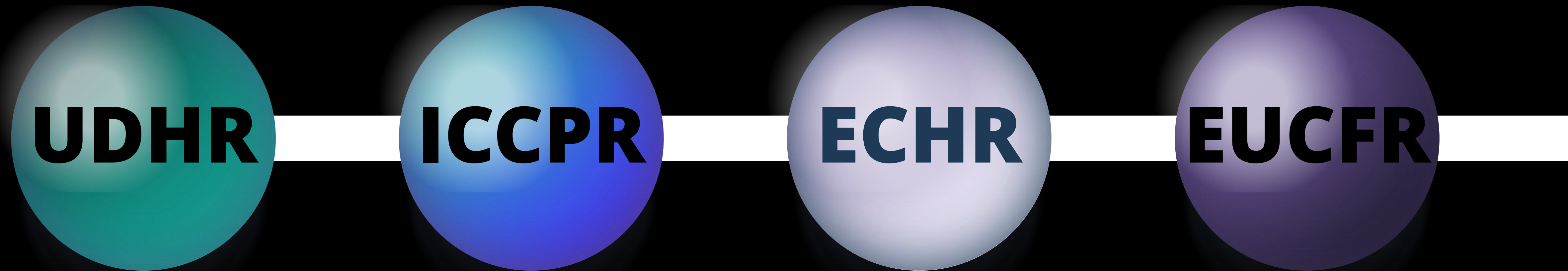




Freedom of Assembly and Association on the Internet



Legal regulation



ECHR Article 11

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Freedom of Assembly

The right to freedom of peaceful assembly is a fundamental right in a democratic society and, like the right to freedom of expression, is one of the foundations of such a society. Thus, it should not be interpreted restrictively (Djavit An v. Turkey, 2003, § 56; Kudrevičius and Others v. Lithuania [GC], 2015, § 91).

Freedom of assembly

The concept of “assembly” is an autonomous one; it covers, in particular, gatherings which are not subject to domestic legal regulation, irrespective of whether they require notification or authorisation or whether they are exempt from such procedures. Assembly is defined, in particular, by a common purpose of its participants and is to be distinguished from a random agglomeration of individuals each pursuing their own cause, such as a queue to enter a public building.

This right covers both private meetings and meetings in public places, whether static or in the form of a procession; in addition, it can be exercised by individual participants and by the persons organising the gathering. The right to freedom of assembly includes the right to choose the time, place and manner of conduct of the assembly, within the limits established in paragraph 2 of Article 11. Article 11 only protects the right to “peaceful assembly”, a notion which does not cover a demonstration where the organisers and participants have violent intentions.

The right to freedom of peaceful assembly comprises negative and positive obligations on the part of the Contracting State. States must not only refrain from applying unreasonable indirect restrictions on the right to assemble peacefully but also safeguard that right. The authorities have a duty to take appropriate measures with regard to lawful demonstrations in order to ensure their peaceful conduct and the safety of citizens.

Freedom of association

The term “association” presupposes a voluntary grouping for a common goal. For an association to fall under the protection of Article 11, it needs to have a private-law character. Under the case-law of the Court, elements in determining whether an association is to be considered as private or public are: whether it was founded by individuals or by the legislature; whether it remained integrated within the structures of the State; whether it was invested with administrative, rule-making and disciplinary power; and whether it pursued an aim which was in the general interest.

The organisational autonomy of associations constitutes an important aspect of their freedom of association protected by Article 11. Associations have the right to draw up their own rules and administer their own affairs.

The ability to establish a legal entity in order to act collectively in a field of mutual interest is one of the most important aspects of freedom of association, without which that right would be deprived of any meaning.

Freedom of assembly and association online

The digital age has opened new space for the enjoyment of the rights to freedom of peaceful assembly and of association. There are numerous examples across the globe which demonstrate the power of digital technology in the hands of people looking to come together to advance democracy, peace and development. However, the digital revolution has also brought a range of new risks and threats to these fundamental rights

States have used technology to silence, surveil and harass dissidents, political opposition, human rights defenders, activists and protesters, and to manipulate public opinion. Governments are ordering Internet shutdowns more frequently, as well as blocking websites and platforms ahead of critical democratic moments such as elections and protests. A surge in legislation and policies aimed at combating cybercrime has also opened the door to punishing and surveilling activists and protesters in many countries around the world

Meanwhile, dominant online platforms such as Facebook, Twitter and YouTube have become the gatekeepers to people's ability to enjoy the rights of peaceful assembly and of association, wielding enormous power over whether individuals and civil society actors can access and participate in the democratic space

Freedom of Assembly online

Peaceful assembly online refers to “an intentional and temporary gathering in a private or public space for a specific purpose that includes the acts of coordinating, organising, gathering, planning, or meeting on platforms available online such as instant messaging, voice over internet protocol, chat applications, email groups, and mailing lists, among others”

Freedom of assembly online

The Human Rights Council has recognized that although an assembly has generally been understood as a physical gathering of people, human rights protections, including for freedom of assembly, may apply to analogous interactions taking place online.

Digital technology is integral to the exercise of the rights of peaceful assembly and association. Technology serves both as a means to facilitate the exercise of the rights of assembly and association offline, and as virtual spaces where the rights themselves can be actively exercised. Indeed, such technologies are important tools for organizers who seek to mobilize a large group of people in a prompt and effective manner, and at little cost, and also serve as online spaces for groups of people that are marginalized by society and are confronted with restrictions when operating in physical spaces

The diagram features a central blue circle with a white border, containing the text "Digital technologies and freedom of assembly". This central circle is flanked by two light blue rounded rectangular boxes. The left box contains the text "Tools through which freedom of assembly can be exercised 'offline'", and the right box contains the text "Spaces where individuals can actively form online assemblies and associations". The background is dark with abstract, wavy, light blue and grey shapes. In the top right and bottom left corners, there are network-like structures consisting of small blue dots connected by thin lines.

**Tools through which
freedom of assembly can
be exercised “offline”**

**Digital technologies
and freedom of
assembly**

**Spaces where
individuals can actively
form online assemblies
and associations**

Freedom of Association online

Association online “refers to the act of forming groups, including informal ones, online, with or without moderators or group leaders”.

Association for Progressive Communications

Freedom of association online

According to the U.N. Special Rapporteur on freedom of assembly and association, “association refers, inter alia, to civil society organizations, clubs, cooperatives, NGOs, religious associations, political parties, trade unions, foundations, or even online associations as the [i]nternet has been instrumental, for instance, in ‘facilitating active citizen participation in building democratic societies.’”

Associations can be ad hoc, for a specific cause or issue, and over different periods of time. The right to freedom of association equally protects associations that are registered and unregistered

Freedom of assembly and association online

While these rights are not absolute, the freedom to access and use digital technologies for the exercise of peaceful assembly and association rights should be viewed as the rule, and the limitations as the exception. The general norm should be to permit the open and free use of the Internet and other digital tools

State obligations

In the digital age, the positive obligation to facilitate the exercise of the rights to freedom of peaceful assembly and of association includes efforts “to bridge the digital divides, including the gender digital divide, and to enhance the use of information and communications technology, in order to promote the full enjoyment of human rights for all”. The obligation to protect requires that positive measures be taken to prevent actions by non-State actors, including businesses, that could unduly interfere with the rights to freedom of peaceful assembly and of association

Role of the Business

In the digital age, the exercise of the rights of peaceful assembly and association has become largely dependent on business enterprises, whose legal obligations, policies, technical standards, financial models and algorithms can affect these freedoms. Online platforms and social media companies, in particular, wield significant power over how both the right to freedom of peaceful assembly and the right to freedom of association are enjoyed and exercised, particularly in countries where the “offline” exercise of the rights to freedom of peaceful assembly and of association is heavily curtailed. These platforms, however, have also become new tools for targeting and surveilling civil society actors

Freedom of assembly and association online: examples

Encryption technologies, pseudonymity and other security features have enabled individuals belonging to minority groups to find one another and create community

Through the use of social media, e-petitions and crowdfunding platforms, civil society organizations have been able to reach new audiences, spread information, attract members and find funding in ways that were previously impossible or extremely costly

Many civil society groups have taken advantage of technology to innovate in addressing social problems

Freedom of assembly and association online: examples of violations

Shutting down access to communications networks and services during elections and public demonstrations, and blocking websites belonging to civil society groups, including human rights organizations increased use of digital surveillance and online harassment against civil society actors, human rights defenders, opposition political leaders and those who plan to stage peaceful public assembly

Human Rights Council has expressed concern about “the emerging trend of disinformation and of undue restrictions preventing Internet users from having access to or disseminating information at key political moments, with an impact on the ability to organize and conduct assemblies”

Freedom of assembly and association online: state restrictions

The prohibition against the use of electronic devices “to ruin communal harmony or create instability or disorder or disturb or is about to disturb the law and order situation”, found in the Digital Security Act 2018 of Bangladesh, for example, grants officials excessive discretion to determine what would constitute unlawful conduct and to pursue criminal actions against individuals based on arbitrary and subjective grounds. Authorities could conflate calls for peaceful assemblies on social media with the creation of instability, or ruining communal harmony

Broad language used in Cambodian interministerial decree (prakas) No. 170 of 28 May 2018, which prohibits online activities “intended to create turmoil in society”. This provision grants authorities excessive discretion to prohibit a wide range of activities online – including sharing photos and videos of police abuse against protesters, disseminating messages calling for peaceful demonstrations, and political campaigning. The rules also impose severe penalties, and civil society organizations face the risk of being shut down for disseminating prohibited content, which is disproportionate and incompatible with the right to freedom of association

In the Russian Federation, for instance, the “Yarovaya Law” introduced overly broad amendments to the Criminal Code that prohibited “inducing, recruiting or otherwise involving” others in the organization of “mass unrest”. Publishing statements on the Internet is considered an aggravating factor. Similarly, in Kazakhstan, the Criminal Code forbids providing “assistance” to “illegal” assemblies, including by “means of communication”. The broad language of these provisions unduly limits the rights to freedom of peaceful assembly, association and expression, by potentially making it a crime to promote, discuss, seek

Freedom of assembly and association online: state restrictions

Criminalizing the online activities of individuals and organizations constitutes a growing trend in many countries in the world. While States often invoke national security and public order concerns when pressing these charges, in reality criminal prosecution is too often used to stifle dissent and control the online space. The Bolivarian Republic of Venezuela convicted, on crimes of incitement to violence, a political opposition leader calling for anti-government protests on social media. Egypt arrested and prosecuted activists for “joining an organization founded in violation of the Constitution” and to “undermine State institutions”, in retaliation for comments made on social media. In Saudi Arabia, a founding member of the Saudi Civil and Political Rights Association was reportedly sentenced to eight years in prison and an eight-year travel ban for “violating article 6 of the Anti-Cybercrime Law” by “inciting public opinion against the rulers of this country and signing statements that were published online that call on people to demonstrate”, and “insisting to not abide by the judicial decision to abolish” the Saudi Civil and Political Rights Association.

Blocking of entire websites of human rights organizations and political opposition parties has become increasingly common in many parts of the world, including in countries of the Middle East and North Africa region. For example, in the United Arab Emirates and in Saudi Arabia, authorities routinely block websites containing online criticism. Websites belonging to civil society organizations and human rights groups are particularly targeted, such as the Saudi #Women2Drive campaign, blocked in 2013. Similarly, Egyptian authorities have blocked several websites of human rights organizations. The firewall employed in China systematically blocks access to thousands of websites and online content based outside China containing key terms such as “democracy” and “human rights”.

Some States have harnessed technology to monitor and hamper the work of human rights defenders and civil society actors. Tactics are varied. Many involve hacking phones and computers, issuing death and rape threats, disseminating doctored images, temporarily suspended targets’ accounts, hijacking hashtags, spreading conspiracy theories, accusations of treason and promoting virulently discriminatory sentiments. The use of commercial spyware, such as FinFisher monitoring technology and the Pegasus spyware suite, to launch cyberattacks against civil society actors is another example of this trend. Well-documented reports have linked the Pegasus spyware suite to spyware attacks against activists and human rights defenders in Bahrain, Kazakhstan, Mexico, Morocco, Saudi Arabia and the United Arab Emirates, among others. Authorities in Brazil used Tinder to form relationships and then conduct surveillance on women activists engaged in protests.

An abstract graphic featuring a complex network of teal-colored nodes and lines on a dark background. The nodes are small circles, and the lines are thin, connecting the nodes in a web-like structure. The network is dense in some areas and sparse in others, with lines curving and crossing to form a dynamic, interconnected pattern.

Freedom of Religion

Art. 9 of ECHR

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Prohibition of Discrimination (Art. 14 ECHR)

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, **religion**, political or **other opinion**, national or social origin, association with a national minority, property, birth or other status.

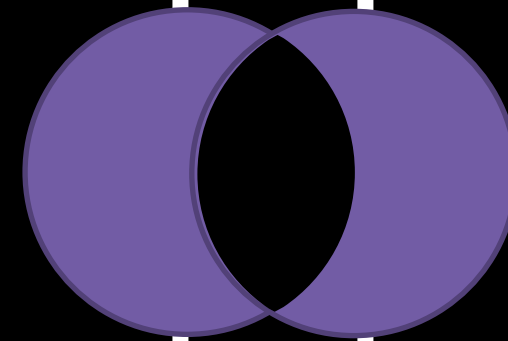
Art. 2 of Protocol No. 1 to ECHR

Article concerns a particular aspect of freedom of religion, namely the right of parents to ensure the education of their children in conformity with their own religious convictions:

“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

Scope of freedom of religion

**Right to hold any belief
(religious or not) and to
change one's religion or
beliefs (*forum internum*)**



**Freedom to manifest
one's religion or beliefs
(*forum externum*)**



Forum internum

X



The right is not subject to limitation



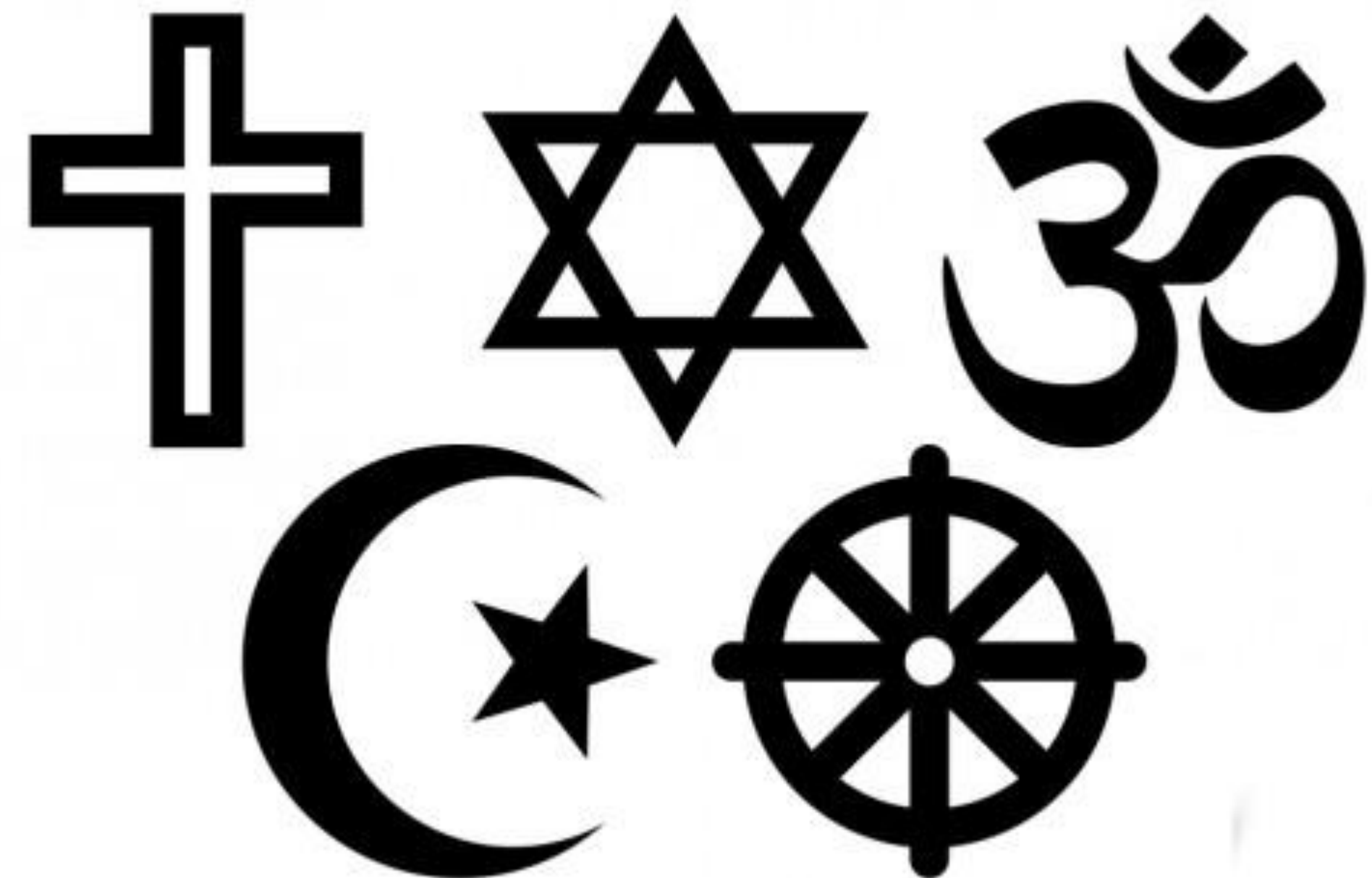
The right is far-reaching and covers different matters relating to one's personal convictions, including political, philosophical, moral (ex., pacifism)



Is not limited to the „main“ religions



It protects not only religious people, but also, for instance, atheists, agnostics



Freedom to manifest one's religion or beliefs (*forum externum*)

The manifestation of one's religion or beliefs may cover such activities as worship, teaching, practice and observance.

In order to count as a “manifestation” within the meaning of Article 9, the act in question must be intimately linked to the religion or belief.

Limitation clause

1

Legality

**In Accordance
with the law**

- Prescribed by national law
- Law must be adequately accessible
- Law must be clear and definite

2

Legitimacy

Legitime aims

- public safety
- protection of public order
- protection of health or morals
- protection of the rights and freedoms of others

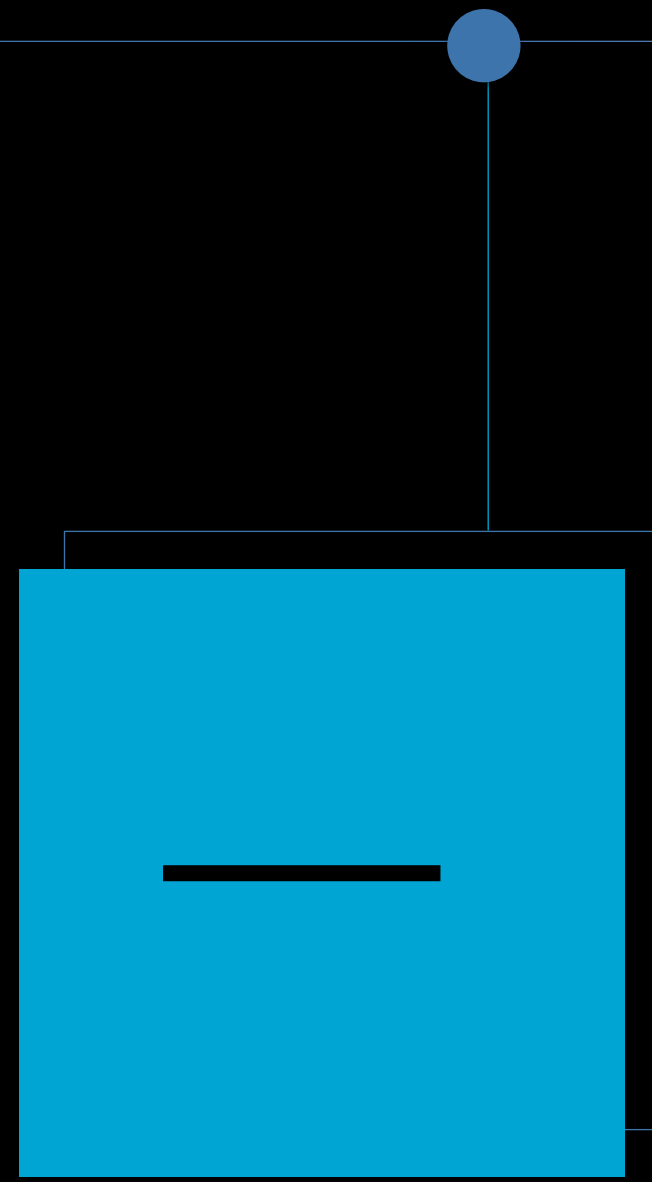
3

Proportionality

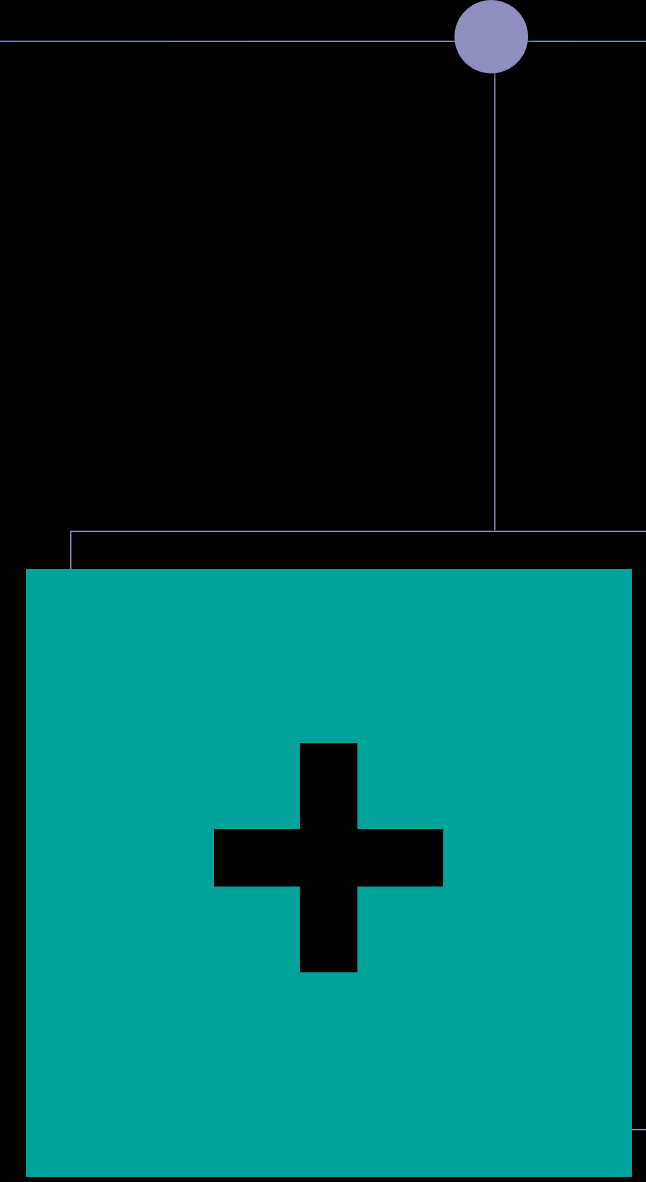
**Necessary in a
democratic society**

- correspond to a pressing social need
- proportional to the legitimate aim pursued
- justified by relevant and sufficient reasons

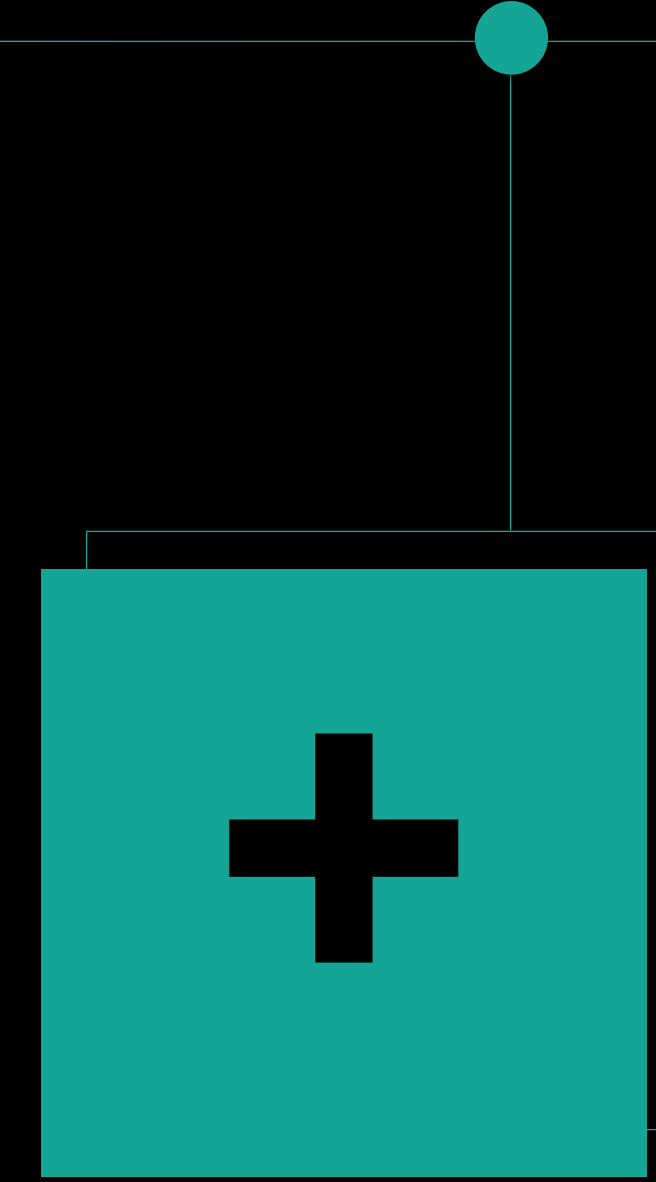
Article 9 comprises both positive and negative aspects



the duty to refrain from any measure that may deprive individuals of the enjoyment of their rights



the duty to prevent violations of human rights by third parties



the duty to ensure the rights

Freedom of religion online: worship

Worship is fundamental to the practice of religion and represents an important way through which religious beliefs are manifested in life. Worship has been held by courts to include 'ritual and ceremonial acts (in or out of temples), religious rites with the occasion of birth, matrimonial rites, funerary rites, and celebration of religious holidays.

Individuals and groups construe worship online in different ways. Ceremonial and ritual acts have occurred through WhatsApp, live streaming, blogs, and in online forums, across social media, and elsewhere. These acts of online worship take a variety of forms, but all are negotiated and religiously or spiritually co-located in ways which accommodate and incorporate the Internet to make the experience meaningful and enriching for participants.

The Tibetan Buddhist community regularly uses online sessions with the tradition's spiritual masters to conduct worship sessions and ritual ceremonies focused on scriptural interpretation and the veneration of holy objects. Through the principle of 'co-location' by which a digital space is re-created as a sacred space, worshippers partake in remote-streamed ceremonies with Lamas and other high Tibetan Buddhist masters and which worshippers report as feeling as authentic and real as an in-person ceremony. These ceremonies are considered by believers to be religiously valid, serve to strengthen group identity, and provide meaningful engagement with spiritual teachers who, without the Internet, would not normally be available for spiritual mentorship.

Freedom of religion online: teaching

Religious teaching involves the ability to disseminate religious material or to preach in appropriate spaces, which is not necessarily limited to houses of worship

Online teaching includes holding formal online classes using software designed for the purpose. Teaching also occurs in forums, on social media videos, with sermon and prayer groups through WhatsApp

Muslim women use Facebook Live, WhatsApp, Instagram, and SnapChat to teach a full and broad range of classes on aspects of the Islamic faith, including classes to help other women emerge as teachers within Islam. Given the challenges that many Muslim women have encountered in practicing their faith, let alone becoming teachers, the availability, security, and anonymity afforded by online platforms has opened up opportunities that wouldn't otherwise be available to them

Freedom of religion online: observance

Religious observance may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or headcoverings, participation in rituals associated with certain stages of life, and the use of a particular language customarily spoken by a group.

Religious observance online can form the bedrock of religious communities and groups. For example, Muslim and Jewish women religious dress bloggers.

Freedom of religion online: practice

practice must be in a recognisable form such as ritual and devotional acts, including writing and dissemination of texts, soliciting money, establishing institutions, and maintaining and establishing communications networks among the religion's followers

Participation in religious practice through watching videos on social media of baptisms or participating in the baptisms at a distance. Likewise, online streaming services provide livestreams of the Jewish Wailing Wall for remote participation, with groups taking emails as prayers to be inserted into the wall's crevices. Indeed, the extension of practice online includes the development of apps for guiding rituals or sending prayers

In Indonesia, there is a robust and large Islamic mobile app community developing apps to aid in religious practice. Muslim's ethnographic study of the 'One Day One Juz' (ODOJ) movement in Indonesia examined how WhatsApp was central to Islamic practice for the movement's 124,000 followers who are connected via 4,103 WhatsApp groups.

Freedom of religion online

The freedom of religion online restructures how all aspects of religion can be understood and experienced: old rituals are recreated in new digital spaces while digital spaces create new relationships to offline rituals. Further, in certain political, social, or health contexts, utilising the Internet may be the only way individuals can practice, worship, or observe their faith with others. This is especially important in contexts where individuals are part of a persecuted religious minority, or in situations such as the COVID-19 pandemic where health concerns limit the ability to worship or practice in community. Freedom of religion or belief online also allows individuals with physical disabilities, or those who cannot afford to travel to religious gatherings or places of worship to participate in their faith or belief

Freedom of religion online

UN Special Rapporteur on Freedom of Religion or Belief Ahmed Shaheed stated that ‘...the emergence of “digital authoritarianism” through increased surveillance, encroachment on privacy and broad restrictions on expression related to religion or belief has rendered cyberspace a perilous place for dissenters and religious minorities’.

New technologies such as brain-computer interfaces and algorithms which extract our data to deliver customised content, influence how we think and perceive the world, constituting a violation of the *forum internum*.

Right to a fair trial online



ECHR Article 6

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

ECHR Article 6

3. Everyone charged with a criminal offence has the following minimum rights:

- (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
- (b) to have adequate time and facilities for the preparation of his defence;
- (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
- (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

The concept of the court

The “court” is considered not only the classical court which is a part of the judicial system, but also:

- Audit court
- Counsel of advocates
- Arbitral court
- Tax institution
- Prison institution

If it is independent and impartial and has the competence to adopt final and binding decisions.

The right to a fair trial within reasonable time

Four criteria of the reasonableness :

- 1) the complexity of the case,
- 2) conduct of the applicant during case examination,
- 3) conduct and initiatives of authorities dealing with the case.
- 4) What is at stake to the applicant (what interest may be in danger).

14th District Court of Texas - Live Stream

14th Judicial District Court

Recording of this hearing is for personal
use only.

This hearing was recorded in accordance with
the rules of the court and is for personal use only.
It is not to be used for any other purpose.

14th District Court

14th District Court



<https://www.youtube.com/watch?v=IGOofzZOyl8>

Right to a fair trial online

Courts in various European jurisdictions have responded innovatively, putting in place measures to try to achieve business as usual during the pandemic as far as possible. Covid-19 has accelerated the use of pre-existing technology solutions, but will also act as a catalyst for further change and cutting-edge innovation in the future. These changes will impact formal court procedures, as well as the way in which lawyers work with their clients in and across different jurisdictions.

ECtHR: *Marcello Viola v. Italy*, 45106/04

The applicant was sentenced to life imprisonment for serious Mafia-related offences. At the appeal stage, he was not brought to the hearing room from the prison to attend the hearings, as he was subject at the time to a restricted prison regime limiting his contacts with the outside world. Instead, he followed the hearings by means of an audiovisual link to the hearing room, in accordance with the relevant legislation.

ECtHR: *Marcello Viola v. Italy*, 45106/04

The applicant's participation in the hearings by video link had pursued legitimate aims under the Convention, namely the protection of public order, the prevention of crime, protection of the rights to life, freedom and safety of witnesses and victims of offences, and compliance with the "reasonable time" requirement in judicial proceedings. The arrangements for the conduct of the appeal hearings had respected the rights of the defence in the instant case. The applicant had been linked to the hearing room by videoconference, allowing him to see the persons present and hear what was being said. He had been seen and heard by the other parties, the judge and the witnesses. He had been able to make statements to the court and his right to communicate with his lawyer out of earshot of others had not been violated.

Conclusion: no violation of Article 6

Right to a fair trial online: issues

To make the best possible use of remote-hearings in the future, a number of challenges must be addressed: Legal frameworks are needed which secure fair trial rights and provide appropriate access to the public and the media. Technical solutions are needed which are both user-friendly and protect sensitive data.

The way judges, parties and advocates interact in hearings needs to be adjusted to these new circumstances. While the set-up and design of courtrooms assigns the different parts in a hearing and establishes an atmosphere of seriousness, the same is not necessarily the case in a video-hearing. In our culture, justice was designed to be exercised at a specific place, the courthouse. With remote hearings, it might be asked if justice still “knows its place”.

In respect of access of the public and the media to remote hearings, there is still a need for thorough discussion. In a justice system with remote-hearings, the term ‘public hearing’ requires rethinking

Right to free elections in the digital age



Article 3 of Protocol No. 1 to the ECHR

The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

Mathieu-Mohin and Clerfayt v. Belgium, judgment of 2 March 1987

Even though it is limited in scope to the election of the “legislature” and does not afford an unlimited right, European protection of the right to free elections is of great significance. “According to the Preamble to the Convention, fundamental human rights and freedoms are best maintained by ‘an effective political democracy’. Since it enshrines a characteristic principle of democracy, Article 3 of Protocol No. 1 is accordingly of prime importance in the Convention system.”

Right to free elections

The Court makes a distinction between “active” and “passive” electoral rights, namely between the right to participate in an election as a voter and the right to stand as a candidate for election. Such “passive” electoral rights enjoy a lesser degree of protection than the “active” rights.

Right to free elections

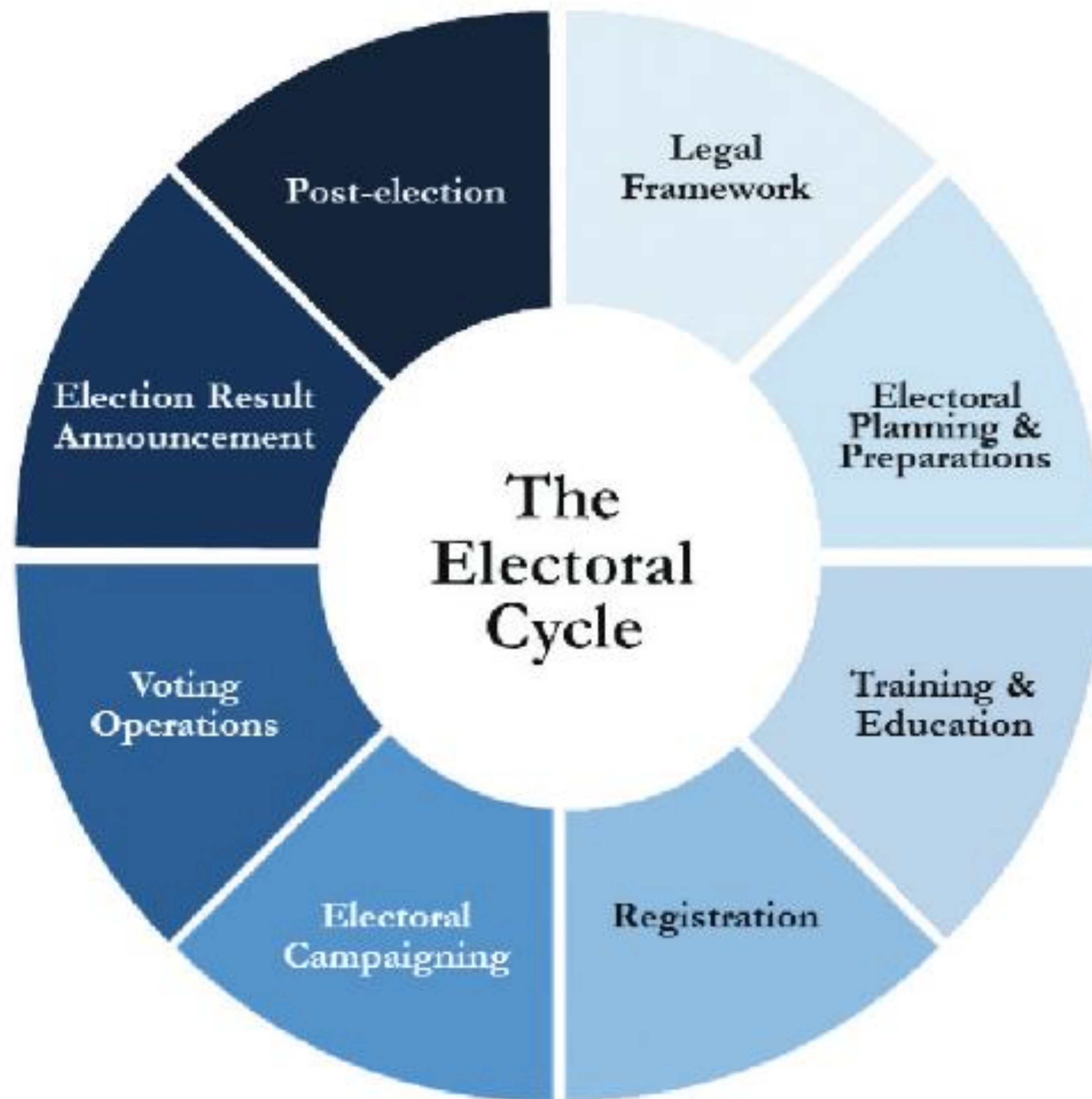
Article 3 of Protocol No. 1 differs from the other substantive provisions of the Convention and the Protocols as it is phrased in terms of the obligation of the High Contracting Party to hold elections which ensure the free expression of the opinion of the people rather than in terms of a particular right or freedom. However, having regard to the preparatory work in respect of Article 3 of Protocol No. 1 and the interpretation of the provision in the context of the Convention as a whole, the Court has established that this provision also implies individual rights, comprising the right to vote (the “active” aspect) and to stand for election (the “passive” aspect)

The rights in question are not absolute. There is room for “implied limitations”, and the Contracting States must be given a wide margin of appreciation in this sphere. In examining compliance with Article 3 of Protocol No. 1, the Court has focused mainly on two criteria: whether there has been arbitrariness or a lack of proportionality, and whether the restriction has interfered with the free expression of the opinion of the people

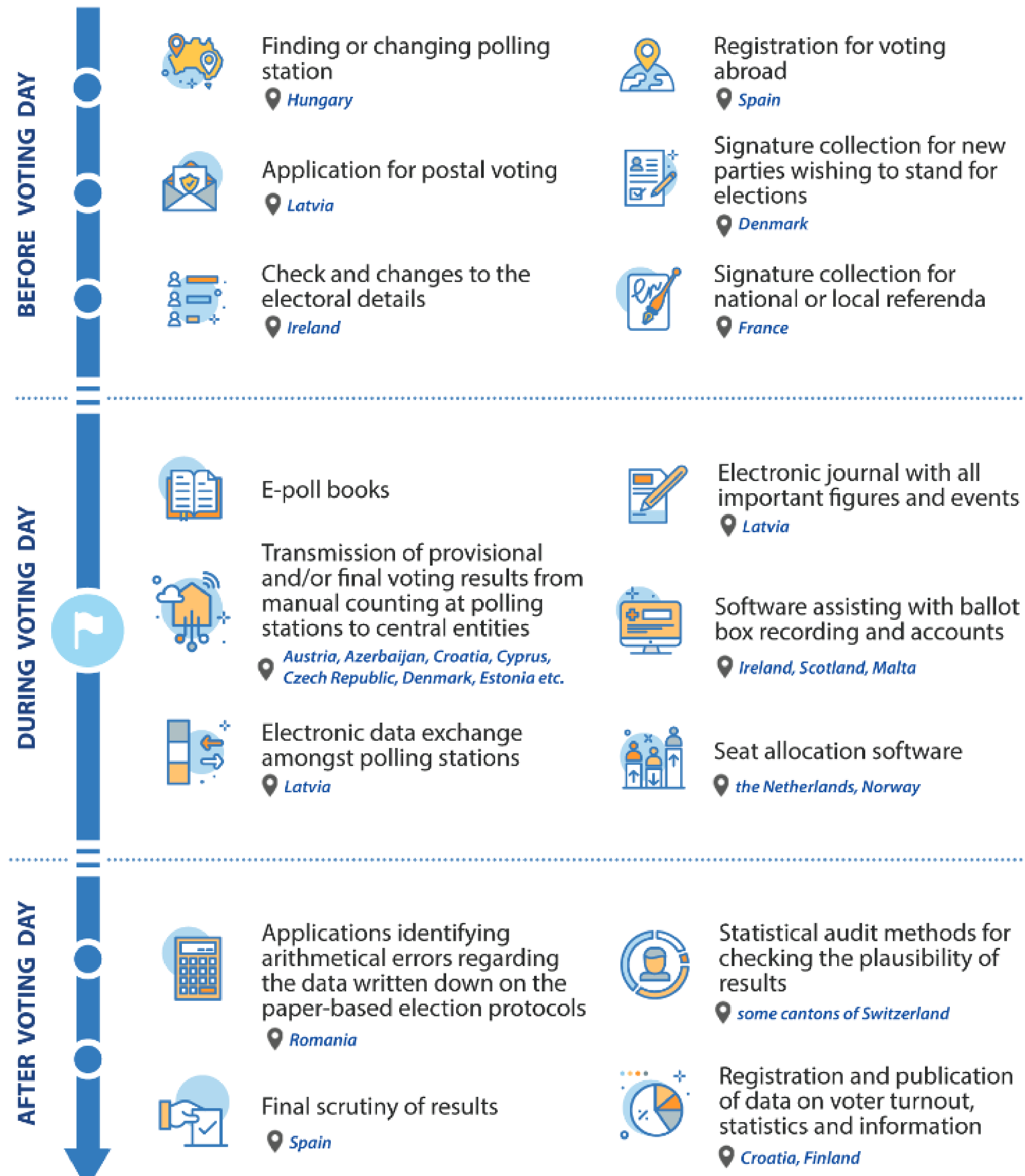
Stricter requirements may be imposed on eligibility to stand for election to Parliament (the “passive” aspect) than is the case for eligibility to vote (the “active” aspect). In fact, while the test relating to the “active” aspect of Article 3 of Protocol No. 1 has usually included a wider assessment of the proportionality of the statutory provisions disqualifying a person or a group of persons from the right to vote, the Court’s test in relation to the “passive” aspect has been limited largely to verification of the absence of arbitrariness in the domestic procedures leading to disqualification of an individual from standing as a candidate

International regulation on e-voting

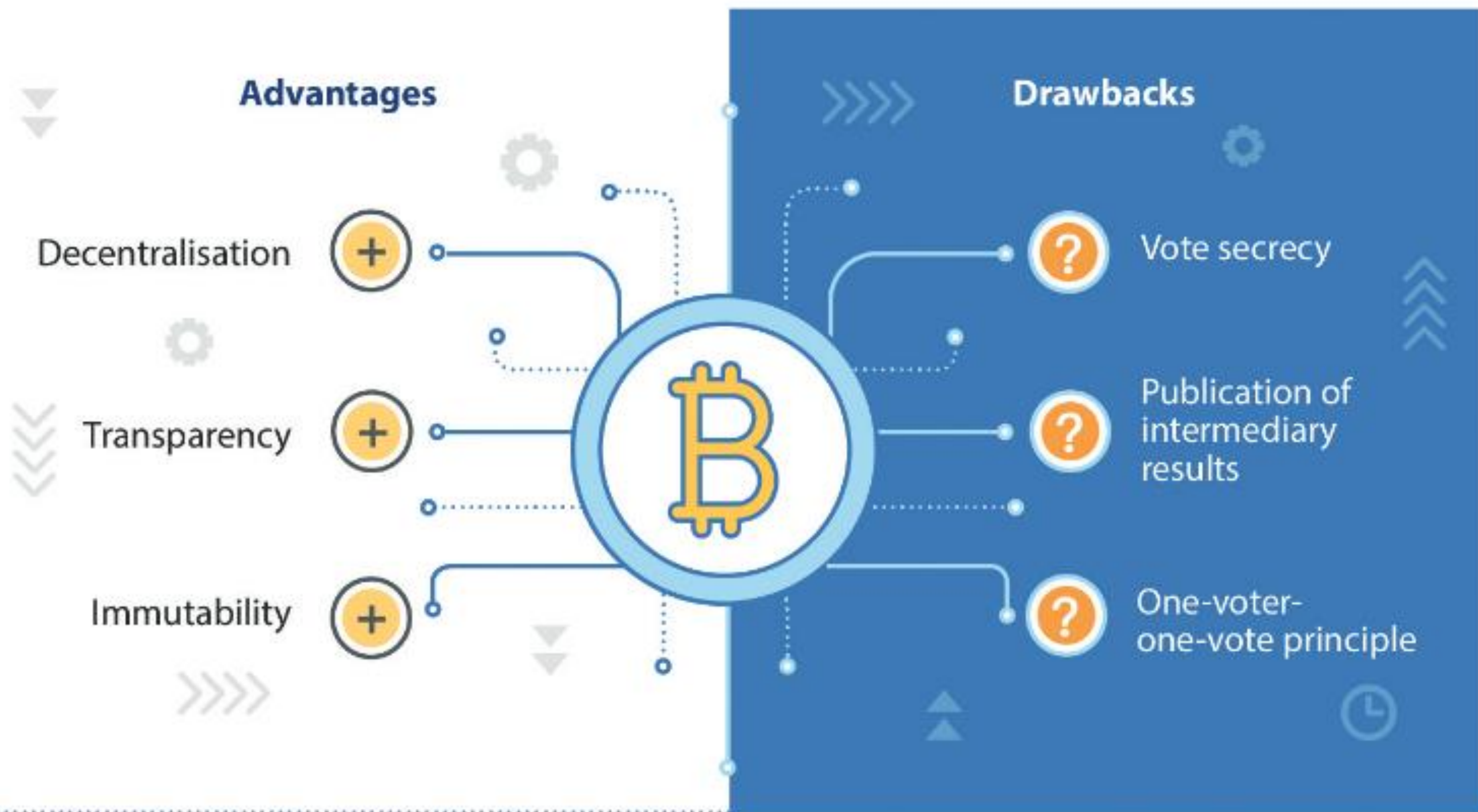
The Council of Europe has done pioneering work on the regulation of digital technologies used for voting and counting. It adopted the first recommendation in 2004, which was then replaced by the Recommendation of the Committee of Ministers of the Council of Europe CM/Rec(2017)5 on standards for e-voting



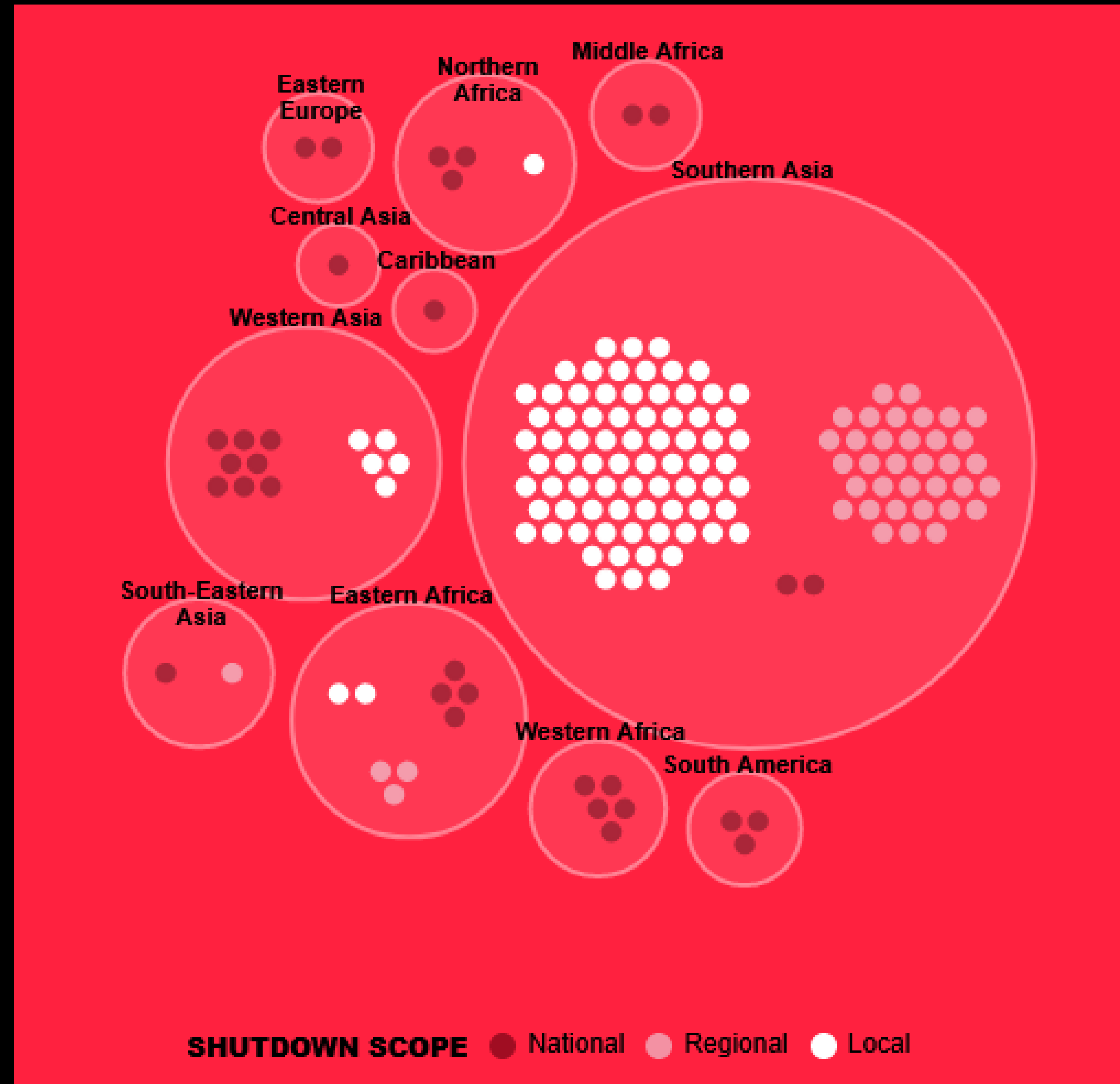
Examples of digitised services or processes used in the electoral cycle



Use of blockchain in electoral processes



In 2020, Access Now and the #KeepItOn coalition documented at least 155 internet shutdowns in 29 countries.



Right to education in the digital age



Article 2 of Protocol No. 1 – Right to education

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Right to education

Article 2 of Protocol No. 1 is distinguished by its negative wording which means¹ that the Contracting Parties do not recognise such a right to education as would require them to establish at their own expense, or to subsidise, education of any particular type or at any particular level. Thus there is no positive obligation for States to create a public education system or to subsidise private schools. These areas are left to their discretion

Article 2 of Protocol No. 1 concerns elementary schooling, but also secondary education, higher education and specialised courses. Thus the holders of the right guaranteed in Article 2 of Protocol No. 1 are children, but also adults, or indeed any person wishing to benefit from the right to education

Article 2 of Protocol No. 1 applies to all subjects and not only religious instruction. Sexual education and ethics thus fall within the scope of Article 2 of Protocol No. 1

Right to education in the digital age

Information and communications technologies are used to access digital content (the digital versions of analogue originals, such as scanned textbooks). Increasingly, content is being designed for digital use. Online education materials and courses, e-textbooks and video and audio files streamed on the Internet, as all of which are modes of e-learning, are revolutionizing the provision of education.

In spite of progress made, there are still inequalities in education, particularly in developing and least developed countries. One of the barriers that must be addressed relates to the cost of investing in information and communications technologies. Technology in education provides important benefits but it can also impair the right to education. While a digital device-based education can bring advantages in the form of access to a computer or electronic device, when students or schools lack the financial means to obtain access, they fall behind.

The use of digital technology risks creating divisions within society. Devices such as computers, tablets and smartphones, and broadband services, are required to access the Internet.

Right to healthcare online (telehealth)



The right to health is an inclusive right. We frequently associate the right to health with access to health care and the building of hospitals. This is correct, but the right to health extends further. It includes a wide range of factors that can help us lead a healthy life.

The right to health contains entitlements. These entitlements include:

- The right to a system of health protection providing equality of opportunity for everyone to enjoy the highest attainable level of health;
- The right to prevention, treatment and control of diseases;
- Access to essential medicines;
- Maternal, child and reproductive health;
- Equal and timely access to basic health services;
- The provision of health-related education and information;
- Participation of the population in health-related decision-making at the national and community levels.

Health services, goods and facilities must be provided to all without any discrimination. Non-discrimination is a key principle in human rights and is crucial to the enjoyment of the right to the highest attainable standard of health

Telehealth

Telehealth is an umbrella term for the electronic and telecommunication-based expansion of healthcare services. It uses information and communications technologies (ICTs) to transmit health information and deliver health services over long and short distances.



THANK YOU
QUESTIONS?

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