

# Decisions About the Internet's Infrastructure Need to Consider Human Rights

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*Corinne J.N. Cath – PhD Candidate at the Oxford Internet Institute & Alan Turing Institute*

The discussion on whether and how the Internet can protect and foster human rights has become a defining issue of our time. This debate often focuses on Internet governance as a regulatory challenge. But Internet governance has a clear technical component, that is often overlooked and misunderstood. Especially when discussing human rights.

To understand why, we need to know how the Internet works. The Internet is really many different networks that 'internetwork' (hence the name). To exchange data these networks need to be able to talk to each other. Internet Standard Developing Organisations (SDOs) like the Internet Engineering Task Force (IETF) build the technology – the protocols and standards – to make this happen.

Decisions made by these SDOs, the voluntary professional standards' bodies that build, maintain and govern the technical infrastructure of the Internet, are essential in determining how information flows. These organisations have the power to determine which rights the Internet's technical architecture protects, and which practices it enables. As the Internet will increasingly become part of the very fabric of human life, SDOs need to assume their responsibility vis-a-vis human rights. In particular the decisions and choices guiding the design of the Internet's architecture should aim to respect the [United Nations Universal Declaration of Human Rights \(UDHR\)](#). This has been said not only by [various](#) academics, but was also the central

focus of the most [recent report](#) by the United Nations Special Rapporteur on Freedom of Expression David Kaye.

But how can human rights be respected on an Internet infrastructure level? And where to start, as there are dozens of SDO's responsible for building the different standards that make the Internet function. A good place to start is the earlier referenced Internet Engineering Task Force (IETF). This organization is one of the eldest and most important SDOs and its work covers a wide range of quintessential Internet protocols. The IETF's detailed knowledge of and responsibility for the functioning of the logical layer of the Internet confers upon it the responsibility to protect human rights.

The IETF has historically been reluctant to take up non-technical, political, or otherwise potentially controversial issues. Yet over the course of its history, it has, in effect, stepped into the role of defending human rights, in particular freedom of expression. For instance, in the wake of the 2013 Snowden revelations about the extent of 'dragnet surveillance' by the NSA, the IETF drafted a [document](#) in which it outlined why it considered such 'pervasive monitoring' to be an attack on the network. This document also outlines why and how IETF engineers should work to mitigate any such pervasive monitoring. Thus the IETF, by accident, stepped forward to protect the right to privacy online.

However, the IETF is a voluntary technical body and should not attempt to be a human rights organisation. Nor should it directly code human rights into its protocols. In addition to this being technically unfeasible, it would aggravate existing tensions between countries over how standards are developed. This could, [according](#) to experts in government, result in certain countries abandoning the current standards process which would lead to the (further) fragmentation of the Internet.

Instead, the IETF should implement responsibility-by-design. This means assuming a responsible attitude towards the potential impact of technology on human rights and

developing human rights protocols, modeled on its existing security and privacy considerations, that force engineers to think through and document the potential human rights impact of their work. The fact the Human Rights Protocol Considerations Group ([HRPC](#)) at the Internet Research Task Force, the IETF's research subsidiary, is already working on such protocols is a good start.<sup>1</sup>

Considering the global nature of the Internet, its importance vis-à-vis human rights and the unique role of the IETF in maintaining the Internet's infrastructure, the IETF should ensure that human rights become an integral part of its work. Only by developing strong human rights considerations will the IETF be able to resist both governmental and corporate pressure to develop protocols that facilitate censorship, limit privacy or hamper access to the open Internet. The IETF needs to formalize what it has implicitly done for many years: building an Internet that is a fundamental enabler of human rights.

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Corinne J.N. Cath is a PhD Candidate at the Oxford Internet Institute & Alan Turing Institute. Her paper, "[The Design of the Internet's Architecture by the Internet Engineering Task Force \(IETF\) and Human Rights](#)", with Professor Luciano Floridi, was published in *Science and Engineering Ethics* in June, 2016.

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<sup>1</sup> The author of this paper is an active member of the HRPC group.