



Written statement by the Association for Progressive Communications on the right to education and the internet

May 2016

APC welcomes the report by the Special Rapporteur on the right to education. In particular we appreciate the substantial consideration that the Special Rapporteur gives to the role of the internet and technology in education. Access to the internet enables the realisation of economic, social and cultural rights, by supporting access to information and knowledge, freedom of expression and freedom of association, and learning and collaboration, as well as being a driver for social and economic development.

In particular, we welcome the observation that the digital divide persists and continues to result in unequal opportunities for education between those in developed countries and those in developing countries.¹ We agree that a balance is needed between face-to-face pedagogical methodologies and online learning when it comes to distance education, particularly when this involves institutions that do not have established and proven pedagogical methodologies for distance learning and are purely offering courses for financial gain, rather than contributing towards the sustainable development of learning and knowledge. We welcome the perspective that governments should not use massive open online courses to replace the progressive and long-term obligation to realise the right to education. We also welcome the observation that using technology in education in disadvantaged areas needs to be accompanied by a holistic approach involving skills development among learners, with special attention to marginalised groups and to

¹Here we would like to refer to the resolution adopted by the General Assembly on 16 December 2015 on the World Summit on the Information Society, which makes a similar observation. See: workspace.unpan.org/sites/Internet/Documents/UNPAN96078.pdf

gender disparities. It goes without saying that the importance of local languages in education also needs attention in this regard, and that online learning materials should be developed in the first languages of the learners. Finally, we welcome the support that the Special Rapporteur expresses for open educational resources and we also welcome the link between the right to education and the Sustainable Development Goals 2030.

We would like to make the following general observations:

- While we believe in the importance of structured face-to-face teaching opportunities for learners, we also believe that it would be irresponsible to ignore the potential of the internet to fulfil the right to education in the developing world, even if not everyone has internet access at this point in time. States have an obligation to consider the potential of the internet to meet the right to education through structured, coherent and rights-oriented internet policy. At the same time, many developing countries face the challenge of improving the skills and abilities of teachers, with a lack of capacity among teachers being one of the greatest contributors to poor teaching methods. In this regard, the internet can supplement efforts to improve the quality of teaching, as well as efforts to enhance access to information and learning resources for learners.
- We believe that publicly funded educational resources, such as those paid for by the state, should be published under open licences for educational purposes. In this regard, we are in line with a recent decision by the European Union on free public access to publicly funded scientific papers in the European Union.² We also support the statement by the former Special Rapporteur on cultural rights, Farida Shaheed, proposing the “adoption of a public good approach to knowledge innovation and diffusion.”³
- While we welcome the potential regulation of distance learning education, we would also like to suggest that the quality of distance learning courses differs from country to country, and that while there may be commercial exploitation of learners happening in some countries, in others, distance learning occurs within a more structured environment and offers a useful opportunity for people to acquire valuable knowledge and skills. We would also like to point out the importance of distance learning for people displaced through civil war and conflict, cross-border migrations, or climate change, amongst other factors. In these contexts, distance education may be the only opportunity that displaced peoples have to further their education. Any potential regulation should bear in mind this value that the internet offers the state's obligation to realise the right to education.
- While we welcome the link between the right to education and the Sustainable Development Goals, we would like to emphasise that development must occur within a rights framework, and that simply achieving access to education on its own is insufficient to meet the rights obligations of states. Frequently the internet is deployed without consideration of the broader rights framework and simply as a tool for “development”. Development that does not occur within a rights framework is in our view unsustainable in terms of social justice and economic and social equality. Efforts to expand internet access for the achievement of economic, social and cultural rights need to respect important civil and political rights, such as freedom of expression and access to information, and the right to privacy. Internet policy needs to be developed in a

²See Khomami, N. (2016, 28 May). All scientific papers to be free by 2020 under EU proposals. *The Guardian*. www.theguardian.com/science/2016/may/28/eu-ministers-2020-target-free-access-scientific-papers

³ See A/HRC/20/26. documents-dds-ny.un.org/doc/UNDOC/GEN/G12/134/91/PDF/G1213491.pdf?OpenElement

transparent, multistakeholder way, be linked to other key relevant policies, and be based on the principles of open access.

In conclusion, we call on all member states to respect, protect and fulfill economic, social and cultural rights, and in this context to examine their laws, policies and regulations relating to the internet so that they are in line with their obligations in this regard. We would like to emphasise, in line with the Human Rights Council resolutions on human rights and the internet, that the same rights that people have offline must also be protected online.⁴ We also encourage the relevant Special Procedures of the HRC to examine the impact of the internet on economic, social and cultural rights.

The Association for Progressive Communications (APC) is an international network and non-profit organisation founded in 1990 that wants everyone to have access to a free and open internet to improve lives and create a more just world.

www.apc.org

⁴See HRC/RES/20/8. www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session20/Pages/20RegularSession.aspx and HRC/RES/26/13. www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Pages/26RegularSession.aspx