Submission to the

United Nations Committee on Economic, Social and Cultural Rights

General Comment on the

Right to Enjoy the Benefits of Scientific Progress

*Contributors:*

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*Introduction:*

The interdisciplinary Working Group on Human Rights and Digital Technology\* and the Civic Media Lab at The American University of Paris welcome the Committee’s initiative to prepare a General Comment on the Right to Enjoy the Benefits of Scientific Progress. We are honored to have the opportunity to share our research concerning the right of access to scientific progress and technology (ICESCR, art. 15b) for vulnerable refugee and migrant communities. We believe it is critical that the General Comment articulate the responsibilities of States Parties to not only *respect* and *protect* the rights of vulnerable refugee and migrant communities. The General Comment must also remind State Parties of their obligation to *fulfill* the right to access scientific progress for all persons, which may necessitate the creation of special programming to meet the needs of these communities.

Refugee and migrant communities are disadvantaged and marginalized groups that require special protection. As with the exercise of all other rights, refugees and migrants are recurrently disadvantaged and marginalized in their ability to access their right to enjoy the benefits of science and technology. Education has been interrupted, careers disturbed, and access to information intermittent for these vulnerable communities. The impact of these conditions on the daily lives of refugees and migrants when they arrive in transit or host countries cannot be underestimated. Simply put, they are at a critical disadvantage in a myriad of ways.

*Recommendations:*

1. The General Comment should remind States Parties that they have an immediate obligation to not discriminate on any basis, including nationality or legal status, and that **any blanket ban or restriction on refugee and migrants’ access to the internet or information and communication technologies (ICTs) is discriminatory and in violation of State Parties’ obligations under the ICESCR.**
2. The General Comment should include language about State Parties’ duty to take positive steps to ensure access to science and technology for refugees and migrants, which may include **special programming for refugee and migrant communities on digital literacy**.

1. The General Comment should remind States Parties that they have an immediate obligation to not discriminate on any basis, including nationality or legal status, and that **any blanket ban or restriction on refugee and migrant access to the internet or information and communication technologies (ICTs) is discriminatory and in violation of their obligations under the ICESCR.**

Every individual has the right to access the benefits of science and technology without discrimination, including on the basis of nationality or legal status. Therefore, any blanket ban, restriction, or other measure that directly prevents refugees or migrants from exercising their right to access the internet and/or to use information and communication technologies (ICTs) is discriminatory and in violation of State Parties immediate obligations under the ICESCR under article 15b.

Access to the internet and the use of ICTs is essential for the very survival of refugees and migrants. ICTs are used to communicate with family and friends, to collect valuable information about migration risks, to research legal rights and asylum laws, to transfer and receive money, and to connect with government and humanitarian services. ICTs are also an access point for government and non-governmental organizations to share information critical to the exercise of other fundamental human rights, including information about healthcare, housing, and education.

Yet, despite the obvious value and necessity of ICTs for refugees and migrants, governments have systematically and knowingly imposed blanket bans and restrictions within refugee and migrant camps, as well as immigration detention centers; these violations have been well-documented by journalists and non-governmental organizations. Mobile phones are confiscated and/or access to the internet and social media is blocked or severely restricted. Violators face punitive measures, and “black markets” in the sale of devices or access emerge. Subject to blanket bans and restrictions, refugees and migrants in the affected communities are not only denied their right to access technology. They are effectively denied the exercise of a host of rights that are enabled by their access and use of the internet and ICTs.

State Parties may impose restrictions or differential treatment when there is both a legitimate government aim and when the measure is proportionate to meet that aim. But, in some cases, State practice has not satisfied this test. The purpose of many blanket bans and restrictions is to prevent the public from seeing an “insider view” of the camps and detention centers via information shared on social media or sent to journalists – hardly a legitimate aim. But, even assuming a government could show a legitimate aim, a blanket ban or restriction that applies to all individuals cannot be proportionate. The government must create less restrictive, tailored measures that narrowly and specifically address unique concerns that may arise, while ensuring that the rest of community can continue to exercise their rights and access ICTs uninterrupted.

2. The General Comment should include language about State Parties’ duty to take positive steps to ensure access to science and technology for refugees and migrants; these steps should include **special programming for refugee and migrant communities on digital literacy**.

State Parties have a duty to ensure that all individuals and groups, including disadvantaged and marginalized groups, can access the benefits of science and technology. For refugee and migrant communities, guaranteeing this right to access often necessitates special programming that is tailored to the needs and unique circumstances of these communities.

Digital literary training is one type of special programming that can be tailored to meet the needs of refugee and migrant communities. The American Library Association defines digital literacy as: “the ability to use information and communication technologies to find, evaluate, create and communicate information, requiring both cognitive and technical skills.” A basic level of digital fluency is necessary for participation in daily life in societies dependent on modern technologies. In classrooms and workplaces, the level of competency needed is even higher. It is estimated that 90% of jobs in Europe require a basic level of digital literary. Yet, 44% of Europeans generally lack basic digital literacy skills, and the percentage within refugee and migrant communities is much higher.

It is possible to offer digital literary training in refugee and migrant communities. In Paris, for example, the startup Konexio offers digital training to students from vulnerable populations, including refugee and migrant communities, and helps connect the students with corporate partners seeking digital talent. Two course tracks are offered: one in digital skills standards (including Microsoft Word and Excel), and one in coding and web development. Both options also provide “soft skills” training in interpersonal and professional skills, such as effective communication, collaborative teamwork, and time management. All the courses are free to students thanks to donations of time, talent, and funding from a community of volunteers and donors.

These programs are not only possible, but yield remarkable results. Since 2016 – when Konexio was founded – 70% of program graduates have had “positive” success in their professional lives, going on to create their own entrepreneurial projects, secure a job or internship, or continue their education. Ninety-four percent of graduates report that they continue to use the skills learned through the program in their professional lives, and feel that they are more socially integrated as a result of the technical and interpersonal skills they developed through their training.

There are certainly costs associated with this type of programming. State Parties may foster and advance relationships with the private sector and non-governmental organizations to collaborate on funding the right to access science and technology for refugees and migrants. But, the mere existence of opportunities initiated, implemented or funded by non-state actors does not excuse State Parties from their obligation under the ICESCR to ensure the full realization of the right to access to science and technology for all.

*Contributions to this submission were made by the following members of the Working Group on Human Rights and Digital Technology at The American University of Paris: Basia-Marie Diagne, Oliver Henry, Lauren Nanes, Kevin Shen, Isabelle Siegel, and Lauren O’Farrell.*