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*Economic, social and cultural rights
and the internet*

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Economic, social and cultural rights and the internet

CONGO, REPUBLIC OF

THE ROLE OF THE INTERNET IN ACHIEVING THE RIGHTS TO EDUCATION AND HEALTHCARE IN INDIGENOUS COMMUNITIES

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Introduction

The Republic of Congo ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1983, and is obliged to respect and uphold the rights enshrined in the covenant.

Several mechanisms are in place to fulfil the economic, social and cultural rights (ESCRs) of the Congolese people – rights that are constitutionally guaranteed – but these mechanisms do not allow everyone to enjoy the rights equally. This is the case with Congo's indigenous peoples who do not fully enjoy the right to healthcare and the right to education, to name a few, in the same way that the country's Bantu ethnic majority do.[1] The realities of Congo's indigenous people have long been ignored by many, including the government.

With the advent of the internet, it is easier to find information on the problems faced by indigenous peoples – mostly information published by non-governmental organisations working in promoting and defending the rights of indigenous peoples. Not wanting to stay on the sidelines, indigenous women have formed an association, and, using the internet, began sharing information in order to advocate for their rights and to denounce the discrimination and injustices they suffer. Among other needs, they wanted their culture to be valued and known, their work to be respected, and their children to enjoy the right to education and the right to healthcare. Yet they are facing a number of challenges in using the internet.

This report looks at how these communities are using the internet to promote and defend their rights, including the right to healthcare and education. It also considers the challenges that indigenous youth face regarding access to the internet.

Legislative context

It is important to outline both the legal framework relating to information and communications technologies (ICTs) in the Congo, as well as the framework for the protection of the rights to education and healthcare.

The legal framework for ICTs

Law No. 9-2009 of 25 November 2009 regulates the electronic communications sector. This law describes the requirements for the installation and operation of electronic communications networks and services. Section 85 of the Act states that "public authorities guarantee the necessary conditions for the development of access and universal service (….)." To this end, a national development policy for ICTs was adopted, known as the Cyber Strategy 2009-2015.

Other laws are about to be developed which are relevant to the internet, such as the draft framework on the Congolese information society and digital economy, and a national development plan for broadband.

The legal framework on the rights of indigenous peoples

The constitution and the various related laws address the rights of indigenous peoples. They define state policies in different areas such as family, healthcare, education, social welfare, employment and social security. These include a law on the family (17 October 1984), a law on child protection (14 June 2010), a law on the fight against HIV and AIDS and protecting the rights of people living with HIV (3 June 2011), a law on the promotion and protection of indigenous rights (25 February 2011), Law No. 014-92 of 29 April 1992 establishing the national health development programme (PNDS), and Law No. 25-95 of 17 November 1995 on the reorganisation of the education system in the Congo.

Regarding education, in 2013 and 2014 the government announced a specific focus on basic education and skills training, including improving the working conditions of teachers and the construction of schools and other infrastructure.

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1   Indigenous people are a minority ethnic group in the Republic of Congo. They face a very difficult economic and social situation. They are often victims of discrimination and marginalisation by the Bantu, who are in the majority in the country. Indigenous people do not enjoy the same access to work, housing, education, health services, and participation in public life enjoyed by the Bantu. They tend to be semi-nomadic and live mainly from hunting, fishing, and gathering food from the forests.

The role of the internet in the realisation of the ESCRs of indigenous people

The internet, despite its low penetration in rural and indigenous communities, already contributes to the achievement of certain rights, including the right to education, healthcare, and the social welfare of indigenous people, as evidenced by the following story.

In the Republic of Congo, as indeed in many African countries, the rights of indigenous people to health, education, labour and others were not sufficiently guaranteed until recently, largely because national policy makers and international organisations were not well informed of the issues relating to indigenous people. The internet has made this possible.

Aware of the advantages of the internet, Carine Nzimba Zere, president of an association of indigenous women called *Debout Femmes Autochtones*,[2] now uses the internet for the group's work. She has posted information about healthcare, education, the right to work and other rights of indigenous women and children on the organisation's Facebook page. The page includes not only articles, but also stories from indigenous people, as well as research that serves as evidence to back up their advocacy.

Carine was able to establish, through the internet, partnerships with several international organisations which now fund their projects. In June 2016, the organisation held training workshops on basic ICT skills and the internet for indigenous youth. The aim was to enable them to speak directly about their concerns online. Carine also said that the internet has contributed to the success of some of their advocacy initiatives such as the right to education, health and other indigenous rights that are now guaranteed by a law.

However, she noted that access to the internet remains a concern especially in rural areas. During a trip to Impfondo, in the department of Likouala in northern Congo, she found that she could not connect to the internet and respond to one of the organisation's partners. While this may be a common inconvenience for many travelling to rural areas, for those living in these areas, the lack of access is life-limiting.

Advancing the right to healthcare for indigenous communities

Several problems had been identified when it comes to realising the right to healthcare for indigenous communities. These include: childbirth occurring at home without proper medical supervision, or out in the open, including under trees in forests; the lack of child vaccination; and a lack of care for children with malaria and other diseases.

To raise these different healthcare challenges faced by indigenous people, email and social networks were used as the primary communications channels by the association. "We use the internet, especially Facebook and emails, to advocate for the rights of indigenous women, girls and children," said Carine.

She explained that the internet allows the organisation a global reach: "The internet is used to communicate with our partners nationally and internationally. Today, the outcomes are satisfactory due to the inclusion of indigenous issues in government policy discussions."

Other programmes and projects, with similar objectives, have been implemented in the Congo. For example, the United Nations Population Fund (UNFPA)[3] has raised awareness of sexual and reproductive healthcare for indigenous women in Pokola and Ouesso, and sought to strengthen the quality of health services for the indigenous people.

A number of these awareness-raising projects have used the internet as a communications platform. Fongwama[4] was created to raise awareness on malaria prevention methods, treatment, and understanding of the disease.

Tic Tac Ados[5] is a youth information forum dealing with adolescent sexual and reproductive health. The forum offers young people, including indigenous youth, the opportunity to ask relevant questions and receive answers.

Some initiatives are no longer running. For example, another website, www.242sante.com, aimed to increase access to health information for the population generally. "This site intends to be a source of scientific information on various diseases and information related to treatment, as well as the correct use of health products. It is intended as a reference for information for health professionals, users and administrations in health products," commented Dr. Wernher Euclid Okolou Ibata when the site was operational.

Using the internet as a training tool for indigenous students

The internet is also being used to promote the right to education. Toyekola[6] is a space for sharing free content that allows students, teachers and even

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2   https://web.facebook.com/ADFACongo/?hc_ref=SEARCH&fref=nf

3   www.unfpa.org
4   https://fongwama.github.io/EduPalu
5   www.tictacados.org
6   www.toyekola.com

relatives of students to share lessons, past examinations that have been marked with corrections, or tutorials. This website has been set up by the mobile company MTN Congo. According to one indigenous student in the department of Lekoumou who benefited from training, the website serves as a library for the community: "This website is for us a real library, to the extent that we find all the documentation necessary for our learning."

The student added: "The advantage is that there are courses for different levels and disciplines. For those of us who are poor, and living in places where it is difficult to have libraries, this site solves the problem because it is simple to sign in to access the documentation."

However, while these initiatives are beneficial for indigenous communities, the primary challenge of internet access remains.

The challenges of using the internet to enable the ESCRs of indigenous communities

The role of the internet in enabling the ESCRs of indigenous communities is limited by the challenges of access and training.

Lack of internet access

The agency in control of electronic communications in the Congo, ARPCE, lists 15 internet service providers (ISPs) in Brazzaville and Pointe-Noire, two major cities in the country. But although the government is making every effort to increase access to the internet, including the deployment of fibre optic cables, it is clear that currently the hinterland is not sufficiently serviced by ISPs. This situation is also due to a lack of electricity in rural areas. Because of this, it is rare to see a cybercafé or community centre where you can access ICTs in these areas.

According to Carine, "if indigenous youth community centres had access to the internet, the youth could benefit from the advantages of the internet, including access to information about their rights. The only option left is to use mobile internet; but the price of a smartphone is not affordable for all, since they cost at least 50,000 CFA francs (USD 100)."

Lack of training on the use of ICTs

Another challenge hindering the use of ICTs in general and the internet in particular is the lack of training on the use of ICTs and the internet. Young indigenous people would like to be trained on the use of the internet, because very few are trained and few have computers. This disadvantages indigenous communities in education. "Today there are about 20 indigenous students studying in Brazzaville," said Carine. "It is desirable that they be equipped with computers and have internet access for their studies," she said.

Conclusion

While the internet has the potential to become an indispensable tool for the realisation of many ESCRs, the authorities have not yet adopted policies that incorporate this potential. It is mostly the private sector and civil society that have access to the internet, limiting its overall potential among the population in general. As is clear, internet access is the primary bottleneck in using the internet to benefit the realisation of rights, especially among marginalised communities. While there have been several online initiatives that promote the rights of these communities, their impact is limited by a lack of internet access.

Action steps

To enable the Congolese people, especially the most vulnerable communities, to realise their rights using the internet, several actions must be taken involving the government, the private sector, civil society and international organisations:

The government

- As a priority, increase the reach of fibre optic broadband networks in the country.
- Continue to roll out electricity infrastructure to unserviced areas.
- Develop rights-based internet policies that promote the internet as an enabler of ESCRs.
- Integrate ICT training into the Congolese education system at all levels of education.

Civil society organisations

- Educate and train indigenous people in the strategic use of the internet to help them realise their rights.
- Encourage the creation of internet content that meets the needs of indigenous people.
- Advocate for community access centres to be established in rural areas so that indigenous people can access the internet.

International partners

- Provide the necessary financial resources to fund the training of indigenous communities in the use of the internet and ICTs in general.

Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an "inventory of things" that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers' rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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