

# Tackling digital inequality through equality and non-discrimination law?

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# Tackling digital inequality through equality and non-discrimination law?

No.

# Tackling digital inequality through equality and non-discrimination law?

Ok. But why?

# Tackling digital inequality through equality and non-discrimination law?

Ok. But how?

# Tackling digital inequality through equality and non-discrimination law?

First step: define/delimit the object of investigation

# Tackling digital inequality through equality and non-discrimination law?

Interpretation of  
Charter of  
Fundamental  
Rights (CFR) and  
European  
Convention on  
Human Rights  
(ECHR)

Part I: Digital  
inequalities and  
equality and non-  
discrimination rights

Part II:  
Intertemporal and  
intergenerational  
aspects of digital  
inequalities

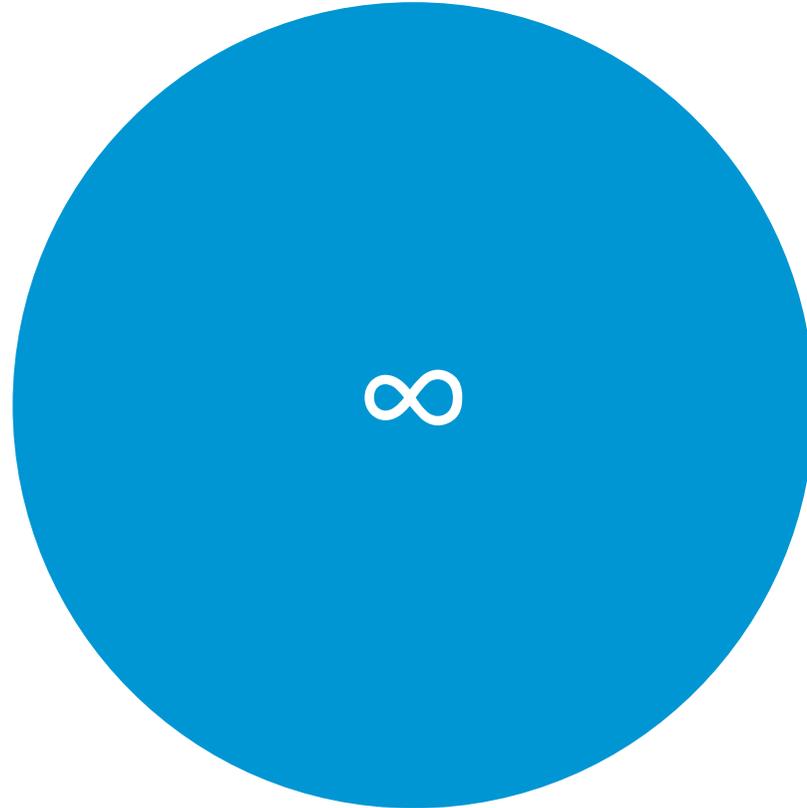
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## Part I: Digital inequalities and equality and non-discrimination rights

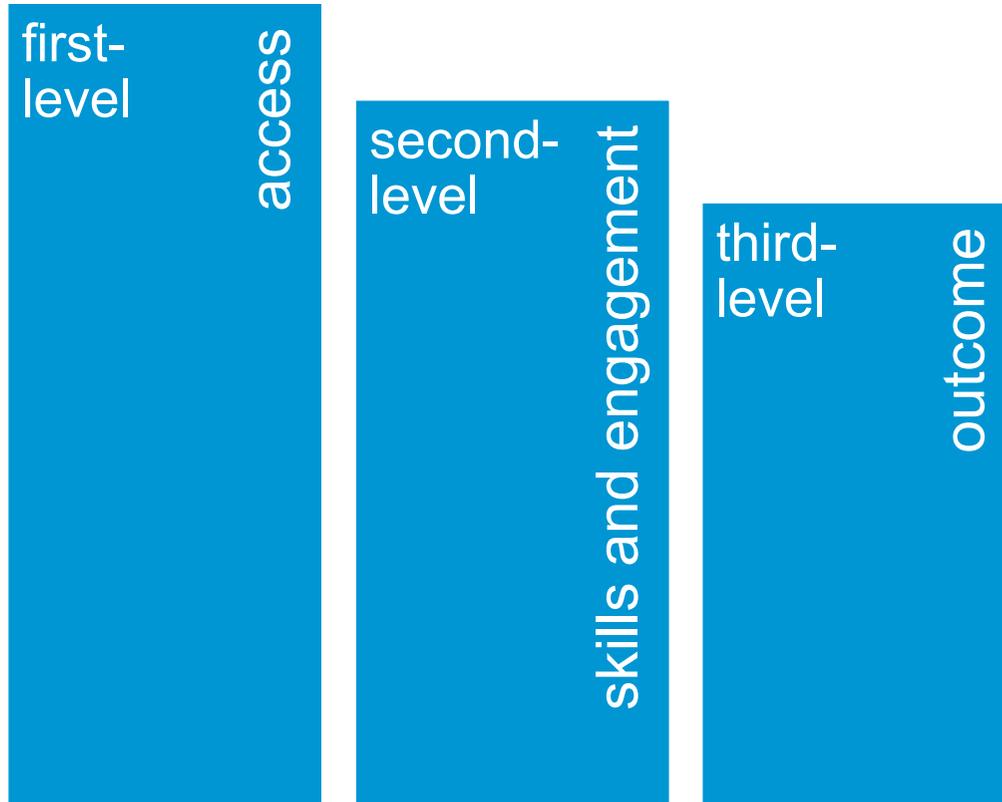
# Digital inequalities and equality and non-discrimination rights

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# Digital inequalities and equality and non-discrimination rights

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# Digital inequalities and equality and non-discrimination rights

- Within their scope (cf Art 51 CFR, Art 1 ECHR), they bind executive, judiciary, & legislature
  - legislation must comply with equality and non-discrimination rights
  - digitalization as public interest may justify differentiated treatment and must be included in proportionality test for restrictions of civil liberties
  - legislators should also consider structural inequalities
- However
  - almost limitless discretion
  - measures within scope of CFR/ECHR-rights not solely (or even predominantly) responsible for digital inequalities
  - disadvantages not necessarily felt where measures (should) have been taken
  - “Drivers” of digitalization are primarily private companies

suitability of CFR and ECHR equality and non-discrimination rights to address structural inequalities?

# Digital inequalities and equality and non-discrimination rights

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No direct assertion of equality rights e.g. against tech companies

“Drivers” digitalization are themselves protected by fundamental rights

Positive obligations for European lawmakers?

- discussion so far focuses on civil liberties (cf KlimaSeniorinnen-Case)

But: positive obligations derived from civil liberties have to be exercised *in conformity with equality rights*

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## Part II: Intertemporal and intergenerational aspects of digital inequalities

# Intertemporal and intergenerational aspects of digital inequalities

Decisions we take today in dealing with technology potentially affect both older and future generations in different ways

# Intertemporal and intergenerational aspects of digital inequalities



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It depends.