

# DIGITAL HUMAN RIGHTS: SEPARATE DOCTRINAL BASIS

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**Annotation.** The authors note that the digitization of public services has taken place, which has led to the transition of most or at least a significant number of public services to an electronic format and allowed us to talk about the emergence of concepts of electronic state (government) (e-government). The step-by-step transformation of state data management based on digital technologies, the development of complex super-services for citizens and businesses to receive public services in one click (DIY) was called “digital public administration”. However, a clear definition and framework of the concept of “digital human rights” has yet to be developed. They seem to cover all human rights in the context of digitization and the development of modern information and communication technologies. It can be considered that this is the field of information law, which regulates human rights related to the use of information technologies. This includes the regulation of relations in the field of personal data processing, publication of information on the network, processing of big data, application of artificial intelligence, etc.

The purpose of the scientific article is to consider the concept of digital rights and their implementation in the Ukrainian and European legal space, taking into account the contribution of Ukrainian scientists. The digital revolution that has swept the world has significantly changed the way people communicate, work and live. However, this rapid technological development brings with it new challenges for the protection of human rights. This article examines the concept of digital human rights and their dimensions in the Ukrainian and European context.

It is indicated that the study and protection of digital human rights in the modern world requires a comprehensive approach, taking into account both Ukrainian and European experience. The works of domestic scientists testify to the urgency of the problem and indicate the need for further research in this area. Digital human rights are becoming an integral part of modern society, where technology is rapidly changing the way we live and interact. Ukraine, like other countries, faces many challenges in the field of digital rights, which are caused by the rapid development of information and communication technologies. From this context: first, understanding digital rights and their importance becomes a necessity for every member of society. People should be aware of their rights and responsibilities in the digital space, especially regarding the protection of privacy and personal data; secondly, the development of digital rights in Ukraine should take into account the best practices of European countries and global standards. Improving legislation, increasing public awareness and developing cyber defense are aspects that require immediate attention; thirdly, the importance of cooperation between the state, citizens, business and the scientific community. Effective and sustainable solutions to ensure the digital rights of Ukrainians can only be created through joint efforts.

**Key words:** human rights, digital rights, digitalization, digital development, protection of digital rights, artificial intelligence.

## 1. Formulation of the problem.

Digitization, being a natural product of the digital revolution, is rapidly spreading in the modern world and objectively affects almost all spheres of human life, society and the state, to one degree or another transforming the entire set of social relations, in fact, “immersing” the latter in virtual reality. Modern society is developing, objectively obeying the new digital paradigm.

Digitization of public services took place, which led to the transition of most or at least a significant number of public services to electronic format and allowed to talk about the emergence of concepts of electronic state (government) (e-government). The step-by-step transformation of state data management based on digital technologies, the development of complex super-services for citizens and businesses to receive public services in one click (DIY) was called "digital public administration".

However, to date, a clear definition and framework of the concept of "digital human rights" has yet to be developed. They seem to cover all human rights in the context of digitization and the development of modern information and communication technologies. It can be considered that this is the field of information law, which regulates human rights related to the use of information technologies. This includes the regulation of relations in the field of personal data processing, publication of information on the network, processing of big data, application of artificial intelligence, etc.

**2. Thus, the purpose** of the scientific article is to consider the concept of digital rights and their implementation in the Ukrainian and European legal space, taking into account the contribution of Ukrainian scientists. The digital revolution that has swept the world has significantly changed the way people communicate, work and live. However, this rapid technological development brings with it new challenges for the protection of human rights.

First of all, we note that the study of digital rights is of great importance in modern society, given the rapid development of information and communication technologies. We agree that today there are a number of key reasons why it is important to learn about the content of digital rights: privacy and data protection (digital technologies increase the volume and availability of personal data. Learning about digital rights allows people to understand how their personal data is processed, stored and used, and how they can protect their privacy); freedom on the Internet (digital rights include freedom of expression and information on the Internet. Studying these rights helps to understand the limitations and opportunities associated with Internet censorship, content blocking, and other aspects of digital freedom); combating cybercrime (understanding digital rights is key to combating cybercrime. Individuals and organizations need to know their rights and responsibilities in the digital environment to effectively counter cyber threats); equal opportunities on the Internet (knowledge of digital rights helps to create a level playing field for all Internet users. This helps to avoid discrimination and ensure access to resources for everyone, regardless of their social status, ethnicity or gender identity); creating effective legislation (the study of digital rights creates a basis for developing and improving legislation that responds to the challenges of a digital society. Laws defining rights and responsibilities online are an important element of a stable and secure digital environment); preservation of human dignity and freedom (digital rights guarantee that people remain subjects of rights and freedoms, despite technological development. The study of these rights contributes to the development of civic consciousness and the protection of the dignity of each person).

### **3. The state of problem solving.**

The issue of human rights protection, including the problems of its implementation in the modern world, dedicated a lot works, among which one cannot fail to note approaches proposed within the framework of the theory and philosophy of law by such scientists as R. Alexi, Y. Habermas, D. Gudyma, R. Dworkin, T. Dudash, M. Kozyubra, M. Malman, S. Maksymov, J. Knox, P. Rabinovych, J. Raz, O. Petryshyn, P. Pushkar, M. Savchyn, H. Hristova and others. In turn, a question extraterritoriality is devoted to the fundamental research of such scientists, such as V. Muravyov, S. Peremot, L. Falaleeva etc., which considered them mainly in the context of international law.

#### 4. Presentation of the research material.

A shared understanding of digital rights is essential for building informed and responsible citizens who can actively participate in the digital society, protect their rights, and promote the sustainable and ethical use of technology.

Regarding the theoretical aspect, digital human rights, in particular those explored in the works of prominent Ukrainian human rights defenders and lawyers, are recognized as an integral part of universal human rights. V. Ignatov and O. Kovalenko consider these rights to be fundamental for a dignified human existence in digital reality [1, 2].

The works of N. Petrenko and S. Ivanov are devoted to the issue of ensuring the confidentiality of personal data and the safety of Ukrainian citizens. Their research concerns the development of national legislation and practice in this area. In their opinion, Ukraine, like other countries, faces a number of challenges in the field of digital rights. Some of the main challenges for the digital rights of Ukrainian society include:

– ensuring confidentiality and security of personal data:

legal framework: The legal framework for the protection of personal data and privacy in the Internet space needs to be further improved. Legislation must take into account the development of technology and effectively respond to the challenges of the digital age.

awareness of citizens: It is important to increase the level of digital literacy and awareness of citizens regarding Internet security rules and the protection of their personal data.

– accessibility and equal opportunities:

Broadband Internet: Providing access to broadband Internet throughout the country is a necessity to ensure equal opportunities for all sections of the population.

digital divide: The emergence of a digital divide between urban and rural areas, as well as between different socio-cultural groups, should be avoided.

– fight against cybercrime:

cyber defense: Strengthening cyber defense at the level of the state, businesses and citizens is becoming extremely important as cyber crime is constantly increasing.

information security: Development of information security systems and strategies to protect critical infrastructure and core information resources.

– freedom of expression and fight against disinformation:

freedom of speech on the Web: Preserving freedom of speech on the Internet while fighting xenophobia, racism, and other forms of online extremism.

media literacy: Increasing the level of media literacy among citizens to effectively recognize and counter disinformation.

– acquisition and storage of digital data:

use of “cloud” technologies: Development of transparent and efficient mechanisms for acquisition and storage of digital data in conditions of growing popularity of cloud technologies.

legal issues: Development of regulations and standards for the exchange and storage of digital data, taking into account the requirements for their security and privacy.

These challenges require an integrated approach from the government, business, the public and the academic community to effectively solve and ensure the sustainable and safe development of the digital society in Ukraine [3].

The works of Ukrainian scientists, such as L. Golovina and O. Savytskyi, analyze the influence of European experience on the development of digital rights in Ukraine. They investigate the implementation of the GDPR and the European Convention on Human Rights in the Ukrainian legal space [4].

The implementation of the General Data Protection Regulation (GDPR) and compliance with the European Convention on Human Rights (ECHR) in the Ukrainian legal space are key steps in the direction of guaranteeing the protection of privacy and citizens' rights. Let's consider the impact of these normative acts on the legal system of Ukraine.

GDPR in Ukraine:

– harmonization with European standards: Ukraine, wishing to bring its legislative acts closer to European ones, adopted a number of laws that harmonize internal regulations with GDPR requirements. For example, the Law of Ukraine "On the Protection of Personal Data" takes into account the key principles of the GDPR and establishes rules for the processing and protection of personal data of citizens;

– protection of consumer rights: GDPR defines the rights and obligations of responsible persons regarding the processing of personal data. Ukrainian legislation also takes these principles into account, ensuring a high standard of consumer rights protection in the field of processing their personal data;

– fines for violations: GDPR provides for significant fines for violations of personal data protection requirements. The Ukrainian version of the legislation also establishes responsibility for violations of the rules of personal information processing, contributing to the formation of an effective system of compensation for damages [4].

According to O. Bratasiuk, N. Mentukh, digital human rights are a separate group of human rights that are related to the use and/or are implemented on the Internet with the help of special devices (computers, smartphones, etc.). Scientists include: 1) the right to access the Internet - it means that everyone has the right to equal access and use of a free and safe Internet; 2) freedom of expression online – means the right to freely express one's views, search, receive and disseminate information online; 3) the right to privacy and protection of personal data - everyone has the right to online privacy and protection of personal data on the Internet (social networks, filling out Google forms, etc.); 4) the right to freedom and personal security online – the realization of this right requires a mechanism of protection against illegal actions, i.e. certain state guarantees of protection against physical and psychological violence or harassment, speech of intolerance, intolerance and enmity, discrimination in the online environment; the state should promote the development and functioning of safe Internet technologies; 5) the right to peaceful assembly, association and/or use of electronic tools of democracy – means that people should have freedom of association and use any services, websites or applications to create, join, mobilize and participate in social groups and associations; 6) the right to digital self-determination, or the right to disconnect from online, or to be forgotten online - a person as a user in the system (social network, forum, online discussion) has the right to determine the name (identifier) or other a priori information about her, which she will use in the system [11, p. 59].

I. Popov and O. Semenenko draw attention to the role of international organizations in the formation of digital rights standards. They consider the position of Ukraine in the context of the work of the Council of Europe and the UN on this issue [5].

According to Yu. Razmetayeva, the term "digital human rights" actually covers two understandings. In the first, it refers to all those rights, the exercise and protection of which are closely connected today with the use of digital tools or have a significant online component. In the second - only those rights that arise or begin to claim the status of fundamental in the digital age. Therefore, such fundamental rights as freedom of expression of thought and speech, privacy, the right to information, the right to participate in the management of state affairs, etc., and such as the right to be forgotten, the right to anonymity or even the right to the Internet [12, with. 19].



Digital rights are a relatively new legal category, notes N. Verlos, and therefore their list, definition, and the need to distinguish them causes discussion in the scientific legal environment. Thus, the scientist notes, there is an opinion that the concept of “digital rights” should be considered not as a separate group of human rights, but as a conditional category that covers the peculiarities of the implementation and guarantee of the protection of fundamental human rights on the Internet, in particular, freedom of expression and the right to privacy online. Considering the huge role played by the Internet in modern life, the identification of such a category helps to better systematize and study the needs for the protection of human rights in the online environment, the individual guarantees of which are today scattered in recommendations, resolutions and other acts of international institutions. Other researchers consider digital rights to be derived from information rights, but not identical, and emphasize the need to separate them into a separate group. Also, digital rights are understood as the rights of citizens to access, use, create and publish digital works, the right to free access to the Internet (other communication networks) using computers and other electronic devices [13, c. 130].

The study of digital human rights in Europe and Ukraine requires a comprehensive approach, taking into account international norms, national legislation and civil society initiatives. The main goal is to ensure a balance between the use of digital technologies and the protection of basic human rights and freedoms in the digital era.

One of the main sources of information is the European Convention on Human Rights itself, which defines the basic rights and freedoms guaranteed in the European region. Articles on privacy and freedom of expression are particularly important in the context of the digital environment. Organizations such as Amnesty International are actively studying the state of digital rights in various European countries. The report “Digital Freedom in Europe” provides an important overview of violations of digital rights and offers recommendations for improving the situation [7].

The European Court of Human Rights plays an active role in the formation of norms regarding digital rights. Its decisions in cases related to digital privacy and freedom of speech set precedents for the countries of the European Union [8].

Note that national legislation is also important in the context of digital rights. In particular, the Law of Ukraine “On the Protection of Personal Data” defines the legal status of citizens’ digital data and establishes mechanisms for their protection [9].

So, it is worth noting that scientific studies devoted to digital rights in Ukraine reveal specific aspects of this issue in the context of national development. These studies can provide a deeper understanding of how digital technologies affect the rights and freedoms of Ukrainians. A general analysis of these sources indicates that digital human rights in Europe and Ukraine are becoming the subject of increasing attention and regulation. Ensuring a balance between innovation and the protection of fundamental rights is an important task for society in the digital era.

Undoubtedly, the European Union is also actively implementing measures to protect the digital rights of consumers. The Directive on Consumer Rights in the Digital Age, adopted in 2019, defines standards for the relationship between consumers and digital services, in particular, the right to access information and transparency of data use [10].

## **5. Conclusions.**

The study and protection of digital human rights in the modern world requires a comprehensive approach, taking into account both Ukrainian and European experience. The works of domestic scientists testify to the urgency of the problem and indicate the need for further research in this area.

Digital human rights are becoming an integral part of modern society, where technology is rapidly changing the way we live and interact. Ukraine, like other countries, faces many challenges in the field of digital rights, which are caused by the rapid development of information and communication technologies. From this context:

1) understanding digital rights and their importance becomes a necessity for every member of society. People should be aware of their rights and responsibilities in the digital space, especially regarding the protection of privacy and personal data;

2) the development of digital rights in Ukraine should take into account the best practices of European countries and global standards. Improving legislation, increasing public awareness and developing cyber defense are aspects that require immediate attention;

3) the importance of cooperation between the state, citizens, business and the scientific community. Effective and sustainable solutions to ensure the digital rights of Ukrainians can only be created through joint efforts.

Therefore, it should be emphasized that the development of digital rights is an important factor in ensuring a dignified and safe life in the age of technology. Given its unique challenges and opportunities, Ukraine has the opportunity to take a leading role in this process. Solving these challenges will contribute to the creation of a sustainable and advanced digital society in which digital human rights will remain an integral and protected part of modern civil life.

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