

DIGITAL RIGHTS IN THE HUMAN RIGHTS SYSTEM

Kostyantyn I. Bieliakov *
Oleksandr O. Tykhomyrov **
Liudmyla V. Radovetska ***
Oleksii V. Kostenko ****

ABSTRACT

Digital technologies increasingly saturate the life of society, causing innovations in the system of regulating social relations, and corresponding changes in law and its key principles. The system of human rights is changing to a certain extent under the influence of digitalization. New rights, effective mechanisms for the implementation of already known rights, restrictions, and requirements, and principles for building relationships are emerging. However, these changes should be perceived as evolutionary, as those that should find their integral place in the general discourse on human rights. The article is aimed at a discussion on the formation of the digital rights paradigm, the establishment of their systemic interrelationships in the human rights system based on already existing legal concepts, and scientific reflection on the prospects of the impact of digitalization on human rights. In particular, an attempt was made to present digital human rights in a broad sense in the form of a catalog.

KEYWORDS: *digital rights, information rights, human rights, the right to internet access, digital equality*

* Kostyantyn I. Bieliakov, State Scientific Institution “Institute of Information, Security and Law of the National Academy of Legal Sciences of Ukraine”, Kyiv, Ukraine; kostyantyn_bieliakov@sci-univ.com.

** Oleksandr O. Tykhomyrov, National Academy of the Security Service of Ukraine, Kyiv, Ukraine.

*** Liudmyla V. Radovetska, National Academy of the Security Service of Ukraine, Kyiv, Ukraine.

**** Oleksii V. Kostenko, State Scientific Institution “Institute of Information, Security and Law of the National Academy of Legal Sciences of Ukraine”, Kyiv, Ukraine.

1. INTRODUCTION

Large-scale and quite dynamic social transformations caused by information and technological growth have created new challenges and significant problems related to the assertion and realization of human rights in new formats of social communication. Digitalization of human life is gaining momentum and leads to the evolution of society not only in technology but in many other planes – intellectual, social, legal, economic, cultural, etc. The significance of society's digital transformation has reached its limits, when there is an impact on the principles of legal regulation, its priorities, ideals, and key ideas, which primarily include human rights.

The category of “digital human rights” is not new for the European legal space, and today it can already be stated that it is gradually acquiring pragmatic legal outlines at the international level and legitimization and legalization at the national level. The relevance of digital rights is due primarily to the emphasis on “rights and freedoms on the Internet.” This emphasis has gained substantial prominence with the emergence of various declarative documents. Among these, the Resolution on the Promotion, Protection, and Realization of Human Rights on the Internet holds particular importance, which highlights the fundamental principles and safeguards for digital rights¹.

The mentioned-above resolution is often considered the first international document on digital human rights, since it was the development of the Internet and technologies related to it that prompted the emergence of ideas of human rights recognized standards unity, regardless of the sphere of their implementation real or electronic (virtual, cybernetic), “offline” or “online”. Therefore, the first variations of digital human rights have gained popularity as “Internet rights”, “e-human rights”, and “cyber-rights”. Over time, Internet technologies have changed the human world to such an extent that they have become an integral part of it and a necessary condition for the existence of human rights in real terms, creating, first, technological forms of rights implementation, which, thanks to their convenience, speed, efficiency, and promotion of democratization, have become dominant, and secondly, a global space of communicative opportunities with potential new manifestations of human rights.

Therefore, modern ideas about digital rights cannot be based on their alternative as “online” rights, which are important only in the case of a person's involvement in Internet communications. On the contrary, the lack of access to

¹ The Promotion, Protection and Enjoyment of Human Rights on the Internet. Resolution adopted by the Human Rights Council on 1 July 2016 - 32/13. Retrieved from: https://ap.ohchr.org/documents/dpage_e.aspx?si=a/hrc/res/32/13

high-speed Internet from the standpoint of human rights today is confidently considered an element of social inequality (digital inequality, digital divide) and can be discriminatory. The emergence of truly new digital human rights as specific subjective possibilities currently continues to cause discussions, at least, about whether they are possible at all, and if possible, whether it is correct to attribute such new rights to human rights.

Thus, the complex digital capabilities of a person, vital for existence and development in the modern world, are integrated in a rather complex way into the system of human rights, forming various components and relationships, the depth of which has yet to be understood. This article is aimed at understanding the category “digital human rights” and creating a discussion about it both as a complex of specific rights that have already been or may be further classified as human rights and in the widest possible perspective, which covers not only their content but the role and relationships in the human rights system.

2. METHODOLOGY

To highlight the author’s ideas in the specified direction, the article is structured as follows. Chapter 2 contains theoretical provisions that contribute to the understanding of digital human rights. Various aspects and accents are considered, which brought the discussion about digital rights to the level of human rights. They are determined by the approaches of various researchers, actual changes in social life and human rights, as well as the formats of the discussion about human rights themselves. Chapter 3 substantiates the structure and provides a catalog of digital rights as an attempt to present their broad concept, which combines not only rights but also the principles of their implementation (guarantees, requirements, positive obligations). The catalog does not pretend to be complete and is debatable, as it is based both on legal provisions and on the forecasts of scientists.

Chapter 4 is devoted to highlighting the right to access the Internet as a key right, basis, and condition of the complex of digital human rights in the light of its controversial nature, technological nature, and legalization acquired in individual national legislations. Chapter 5 focuses on the aspect of constitutional recognition of digital rights as human rights. Here, due to the already formed ways of constitutional legalization (interpretation or direct definition by constitutional legal acts). First of all, such a right as the right to access the Internet demonstrates the existing recognition of digital rights at the constitutional legal level. Chapter 6, as a conclusion and the subject of future discussion, presents the author’s vision of the most relevant following aspects of understanding the digital human rights paradigm (progressive, political, regulatory, instrumental).

3. RESULTS

3.1. CONCEPT OF DIGITAL RIGHTS

We considered that the meaning of the concept of “digital human rights” should not be narrowed down only to the specification of subjective legal possibilities caused by the development of digital technologies, and the search for their combination with recognized human rights and the corresponding obligations of the state. Such a path would be considered artificial. The idea of digital rights as a continuation of human rights in the digital environment is more harmonious and allows considering digital rights from all perspectives of human rights – as benefits, conditions, principles, principles, opportunities that are the legal basis of human existence in the information society at its current stage of evolution. Obviously, information technology will continue to develop, which will lead society to a new stage of development with new modern accents in human rights.

If we search for the definition of digital rights, a large number of them have already been proposed in various sources, and there are also proposals by Ukrainian scientists. For example, digital human rights are defined as “a separate group of human rights that are related to the use and/or are implemented on the Internet using special devices (computers, smartphones, etc.)”²; as a separate category of rights – “the rights of people to access, use, create and publish digital works, access and use computers and other electronic devices, as well as communication networks, in particular, the Internet”³; lists them (the right to access electronic devices and telecommunications networks (Internet), the right to protect personal data, the right to informational self-determination (identification), the right to anonymity, the right to be forgotten, the right to free transfer and dissemination of information, etc.), emphasizing the need to distinguish “digital rights” as a separate group⁴.

² Bratasuk, O. & Mentuh, N.: Concept and classification of digital rights in Ukraine. *Legal Scientific Electronic Journal*, 10, 2021, 58–61. Retrieved from: http://www.lsej.org.ua/10_2021/14.pdf

³ Medunska, O. & Sunorub, H.: Human rights and digital transformation. Human in the Ukrainian society in the system of values of human rights: modern dimension of media activity: *Proceedings of the All-Ukrainian Scientific and Practical Conference*. Kyiv, Ukraine: Institute of Journalism. 2021, 192–196. Retrieved from: http://dspace.tnpu.edu.ua/bitstream/123456789/23739/1/Synorub_Medunska_Prava_lyudyny.pdf

⁴ Verlos, N.: Constitutionalization of digital human rights: domestic practice and foreign experience. *Journal of the Kyiv University of Law*, 2, 2020, 129–133. Retrieved from: <https://www.doi.org/10.36695/2219-5521.2.2020.21>

However, no definition, even a scientific one, can cover the entire content of the concept it explains. The main scientific interest in such definitions is the author's emphasis, on those landmarks that are presented as key, essential, and determining. Regarding digital rights, they are:

- the possibility of distinguishing digital rights as a group, species, or category, which shows signs of a formed commonality and potential institutionalization;
- the conditionality of digital rights with the use of Internet technologies, primarily with access to the Internet;
- continuity of digital rights as a manifestation of human rights in the process of using digital technologies.

These aspects are important and coincide with the primary orientations of digital rights, which in 2021, with the adoption of the Portuguese Charter of Human Rights in the Digital Age⁵ and the Lisbon Declaration⁶, came to a new pan-European level of recognition. Further scientific developments require taking into account the development of digital rights that have already taken place in the process of their legitimization, as well as the projected prospective changes. Therefore, this article will deliberately not provide its definition of digital rights to avoid unjustified narrowing of their content, which we do not consider unchanged at the current stage. A broad approach to digital rights should be based on the idea of their flexible perception, capable of capturing evolutionary changes in the field of human rights, as well as political, economic, cultural, global, regional, and other influences, that is, the uniqueness and variability of public needs in the digital environment and the heterogeneity of the state of digital transformation of various societies.

Thus, Kari Karppinen⁷, within a broad approach, considers digital rights as new normative principles for managing the digital communication environment, and “in this sense, the framework of digital rights is open to many narratives that reflect different political visions and interests”. The scientist also notes that the “interface between human rights and new digital technologies” covers both philosophical debates, specific legal and political analyses, studies

⁵ Carta Portuguesa de Direitos Humanos na Era Digital Lei n.º 27/2021. Retrieved from: https://www.parlamento.pt/Legislacao/Paginas/Educacao_Carta-Portuguesa-de-Direitos-Humanos-na-Era-Digital.aspx

⁶ Digital democracy with a purpose. Lisbon declaration. 2022. Retrieved from: <https://www.lisbondeclaration.eu/>

⁷ Karppinen, K.: Human rights and the digital. The Routledge Companion to Media and Human Rights, edited by H. Tumber & S. Waisbord. 2017. Retrieved from: https://helda.helsinki.fi/bitstream/handle/10138/231230/preprint_Human_rights_and_the_digital.pdf?sequence=1

of social movements and activism, as well as many more specific aspects, in particular, related to development, gender characteristics, protection children or the rights of cultural minorities, etc.

Kay Mathiesen⁸ emphasizes the importance of the discourse on digital human rights not only in the purely legal but also especially in the moral context inherent in human rights in general. He substantiates the importance of digital rights as ethical ideals, principles that are an indicator of human development while noting that the problem of the relationship between digital rights and recognized human rights can be solved by positioning them as, for the most part, not fundamental, but derived rights. In this case, the idea of digital rights can be considered as a way of conceptualizing the relationship between human rights and digital technologies. However, the debate on the relationship between digital rights and fundamental human rights will continue. So, it cannot be ruled out that some of them will later be more often associated with fundamental rights, at least in the context of the development of the information society.

Its incompleteness is evidenced by the noticeable duality of the common understanding hidden behind the phrase “digital human rights”. On the one hand, digital rights refer to all human rights, the implementation and protection of which today is largely determined by the use of digital technologies or the dominant online component, and on the other hand, only those that arise or begin to claim the status of fundamental in the digital era. “Therefore, such fundamental rights as freedom of opinion and speech expression, 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 belong to digital»⁹. We considered, that determining the place of the discussion about digital rights in the spectrum of human rights problems and the regulation of new information technologies will be helped by an emphasis on the reasons for its actualization, among which the following should first be highlighted:

1. violations of human rights in the digital environment, which are trans jurisdictional, do not always depend on the use of the Internet, and may also sometimes occur in the process of using digital technologies offline;

⁸ Mathiesen, K.: Human Rights for the Digital Age, *Journal of Mass Media Ethics*, 29(1), 2014, 2–18. Retrieved from: https://www.academia.edu/31963932/Human_Rights_for_the_Digital_Age

⁹ Razmetaeva, Y.: Digital human rights and problems of extraterritoriality in their protection. *Law and Public Administration*, 4, 2020, 12–23. Retrieved from: http://www.pdu-journal.kpu.zp.ua/archive/4_2020/4.pdf

2. loss of balance between basic rights in the conditions of their implementation in the online environment (for example, between freedom of expression and the right to privacy);
3. the development of mechanisms for the protection of human rights, which leads to the emergence of new principles and subjective rights, which can be called derivative, operational, or instrumental (for example, rights related to the protection of personal data, detailed in the GDPR¹⁰. Awareness of these factors will contribute to understanding the content, meaning, and structure of the legal array that is covered by “digital rights” today.

Therefore, the understanding of digital rights should take place in the context of the evolution of ideas about human rights and the mechanisms for ensuring them in the conditions of establishing the priorities and values of the information society in both legal (especially taking into account the already existing practice of legalizing digital rights), moral and ethical dimensions. It is worth mentioning another scientific discourse on human rights – the concept of generations proposed by Karel Vasak¹¹. Digital rights, like any other developments in the human rights system, can be understood using this common, but rather controversial approach. Moreover, his scientific criticism takes both mild forms¹² and completely rejects the rationality of Vasak’s categorization of human rights¹³.

Modern scientific discourse demonstrates that the idea of Vasak’s concept of generations, although based on an abstract generational approach, is not always used as a purely evolutionary or chronological representation of human rights, as it can include other aspects, in particular functional, structural, systemic, which should be taken into account in the process of understanding of this or that new right. This makes it possible to find a certain consistency in the development of human rights, their interdependence, and complementarity. Therefore, in our opinion, digital rights should not be unequivocally positioned

¹⁰ Regulation (Eu) 2016/679 of the European Parliament and of the Council. On the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC. Retrieved from: <https://gdpr.eu/tag/gdpr/>

¹¹ Vasak, K.: A 30-Year Struggle: the Sustained Efforts to give Force of law to the Universal Declaration of Human Rights. *The UNESCO Courier: a Window Open on the World*, XXX, 11, 1977, 29–32. Retrieved from: <https://unesdoc.unesco.org/ark:/48223/pf0000074816>

¹² Domaradzki, S., Khvostova, M. & Pupovac, D.: Karel Vasak’s Generations of Rights and the Contemporary Human Rights Discourse. *Human Rights Review*, 20, 2019, 423–443. Retrieved from: <https://link.springer.com/article/10.1007/s12142-019-00565-x>

¹³ Jensen, S.: Putting to rest the Three Generations Theory of human rights. 2017. Retrieved from: <https://www.openglobalrights.org/putting-to-rest-the-three-generations-theory-of-human-rights/>

as the rights of one, and even more so, only of a new generation. Each of the digital rights has its complex relationships with other human rights that will determine its place among generations. For example, the right to access the Internet, due to its novelty, Ukrainian researchers most often refer to the new – fourth generation of human rights^{14,15,16}.

In addition, there is a debate about whether the right to access the Internet can be considered a human right in principle, or only a tool, a means, a condition for the exercise of human rights in the digital environment^{17,18,19}, or will be determined by the origin of other rights^{20,21}. Therefore, a specific digital right as a means, a condition, or as a derived right, can with certain conditionality fit into the system of generations depending on the primary recognized human right that it provides or from which it derives. In the case of Internet access, these will primarily be the rights to the free expression of opinions and beliefs, and information.

Carrying out a scientific understanding of digital rights in general as a peculiar new group of rights, it is necessary to consider their sequence concerning the category “informational rights”, i.e., in the following incomplete logical row: human rights, human informational rights, digital human rights. Considering that digital technologies are a milestone of information technologies; digital

¹⁴ Dovhan, B. & Mikhailina, T.: Digital human rights of the fourth generation through the prism of transhumanism. *Entrepreneurship, Economy and Law*, 1, 2021, 171–175. Retrieved from: <http://pgp-journal.kiev.ua/archive/2021/1/31.pdf>

¹⁵ Popovych, T. & Shavaryn, A.: Essential fulfillment of the fourth generation of human rights. *Entrepreneurship, Economy and Law*, 12, 2019, 266–271. Retrieved from: <http://pgp-journal.kiev.ua/archive/2019/12/50.pdf>

¹⁶ Krylova, D.: The fourth generation of human rights in the context of the relationship between legal and moral norms. *Jurnalul Juridic Național: Teorie Și Practică*, 2, 2017, 26–30. Retrieved from: <http://www.jurnaluljuridic.in.ua/archive/2017/2/6.pdf>

¹⁷ [<https://www.nytimes.com/2012/01/05/opinion/internet-access-is-not-a-human-right.html>], 15/01/2023

¹⁸ Tully, S.: A Human Right to Access the Internet? Problems and Prospects. *Human Rights Law Review*, 14(2), 2014, 175–195

¹⁹ De Hert, P. & Kloza, D.: Internet (access) as a new fundamental right. Inflating the current rights framework? *European Journal of Law and Technology*, 3(3), 2012. Retrieved from: <https://ejlt.org/index.php/ejlt/article/view/123/268>

²⁰ Karppinen, K.: Human rights and the digital. The Routledge Companion to Media and Human Rights, edited by H. Tumber & S. Waisbord. 2017. Retrieved from: https://helda.helsinki.fi/bitstream/handle/10138/231230/preprint_Human_rights_and_the_digital.pdf?sequence=1

²¹ Mathiesen, K.: Human Rights for the Digital Age, *Journal of Mass Media Ethics*, 29(1), 2014, 2–18. Retrieved from: https://www.academia.edu/31963932/Human_Rights_for_the_Digital_Age

rights should be considered as a component of human information rights. The category of “human information rights” is quite abstract, conceptual, and ideologically important from the point of view of understanding the legal dimension of the information society values. But digital rights which are concretized subjective possibilities and already have a direct legal expression, perform an instrumental role in the system of information rights by giving them fixed legal forms.

Thus, today it is advisable to apply a broad interpretation to “digital human rights” and perceive them as a complex evolutionarily formed category in the system of human rights. The idea of “digital rights” covers the features (conditions) of recognized human rights realization in the digital environment (not only online) and with the help of digital tools in real life, new subjective rights as a legal specification of the legal possibilities of a person in the digital environment, a system of principles and peculiar guarantees of protection of human rights in the process of using digital technologies.

3.2. CATALOG OF DIGITAL RIGHTS

Even a decade and a half ago, any proposal for a catalog of “digital human rights” was mostly an element of discussion and had a theoretical or prognostic character. Nevertheless, in recent years, the idea of digital rights has been developed and actively promoted both in the scientific discourse and the legal field, both concerning individual rights, primarily the right to access the Internet, and regarding the formation of the entire complex of digital rights. During this time, various state and non-state organizations in the world have provided several proposals that in one way or another outline the framework for adapting human rights to the online or digital environment, promoting their protection in this context.

In 2015, the Berkman Center for Internet and Society Research identified and analyzed 30 such initiatives, which at the time focused primarily on Internet rights and freedoms and Internet governance principles. An important conclusion of the study was that “data evaluation requires understanding that these rights and principles are often interrelated, interdependent, mutually reinforcing, and in some cases even contradict each other”.

The Charter of Digital Rights²², presented in 2014 by the network of non-governmental organizations EDRI, which takes care of the protection of rights and freedoms on the Internet is one of the first options for a pan-European pre-

²² The Charter of Digital Rights. A guide for policy-makers. The EDRI papers. 2014. Retrieved from: https://edri.org/wp-content/uploads/2014/06/EDRI_DigitalRightsCharter_web.pdf

sensation of a complex of digital rights in the form of frameworks (principles and an action plan). The charter was created as a message for the members of the European Parliament and contained the following ten areas dominated by managerial and technological accents: transparency, availability of state data; citizens' participation in EU legislative processes; protection of personal data and confidentiality; unlimited access to the Internet and its services; update of copyright legislation; the refusal of general, disproportionate, unjustified surveillance measures; promoting anonymity and encryption on the Internet; the refusal of "private" agreements to ensure the implementation of the law; support for the export of European means of monitoring surveillance and censorship technologies; support for the principle of multi-stake-holders in Internet management; promoting the widespread use of free software (open source software).

The idea of digital rights is gaining more and more systematization and a certain pragmatism, which brings it closer to possible international legalization. The result was the adoption by Portugal (which presided over the EU in 2021, at the level of national law) of the Charter of Human Rights in the Digital Age²³, and as a continuation of this initiative, the Lisbon Declaration of the Principles of Digital Democracy²⁴. The last is considered the start of the future European Charter of digital rights, the project of which was proposed by the European Commission under the name "Declaration on European Digital Rights and Principles, 2022" in January 2022²⁵. The issue of the digital rights complex will continue to be open for discussion, but the publication of the mentioned international documents, as well as some examples of the legalization of individual, already digital rights, makes it possible to present the category of "digital rights" in the form of a certain catalog.

The content and structure of the digital rights catalog proposed in this publication will be an attempt to sort the legal ideas array systematization that makes them up today. To adapt the content of the catalog to the perception of the idea of digital rights precisely in the format of a mechanism for ensuring and protecting human rights in new technological conditions, that is, in the instrumental aspect as a response to modern challenges, it is focused on the selection of

²³ Carta Portuguesa de Direitos Humanos na Era Digital Lei n.º 27/2021. Retrieved from: https://www.parlamento.pt/Legislacao/Paginas/Educacao_Carta-Portuguesa-de-Direitos-Humanos-na-Era-Digital.aspx

²⁴ Digital democracy with a purpose. Lisbon declaration. 2022. Retrieved from: <https://www.lisbondeclaration.eu/>

²⁵ Declaration on European Digital Rights and Principles of 26 January 2022. Retrieved from: <https://digital-strategy.ec.europa.eu/en/library/declaration-european-digital-rights-and-principles#Declaration>

such logical subdivisions as principles, guarantees, rights, requirements, positive obligations. Among the basic principles are: the unity of European values and respect for human rights offline and online, human orientation, solidarity and inclusiveness, equality and non-discrimination, safety and reliability of technologies, protection against manipulation, and technical and network neutrality.

Basic human rights that require attention are the right to privacy, the right to freedom of speech and information, the right to freedom of assembly and association, copyright, and other intellectual property rights. New rights (essentially new and new manifestations of fundamental human rights): the right to access the Internet, the right to digital education and the development of digital skills, the right to a digital identity, the right to cyber security, the right to protection against misinformation, the right to the protection of personal data, the right to access digital public services, the right to freedom of content creation and protection, the right to digital heritage (the right to digital freedom, the right to be forgotten). Areas of guarantee are listed below: prohibition of restricting access to the Internet, protection of certain categories of persons (children, the elderly people, persons with special needs), protection of the digital services (rights to digital platforms) consumers rights, access to effective legal remedies for rights in the digital environment, prohibition censorship, implementation of the right to complain, availability of alternative forms of dispute resolution.

These are requirements and specific emphases: the positive impact of digital technologies on the human environment (personal, social, environmental), overcoming the digital divide, strengthening the democratic framework for digital transformation, the importance of freedom of choice, participation in the digital public space, respect for human rights in the field of artificial intelligence, protection against geo-location abuse, fair, healthy and safe working conditions, and work-life balance in the digital environment.

Among the main positive obligations of the state there are: promoting access to the Internet and digital means and tools in various contexts (social, economic, technological, personal, security, educational, organizational); support for citizens' realization of the right to protection in the digital environment; educational support on practical skills to ensure security in the digital environment; promoting accessibility and comprehensibility of privacy policies that digital platforms guarantee to their users; combating theft of personal data and encouraging the creation of platforms with secure means of electronic authentication; promoting mechanisms to improve security and trust in transactions in commercial activities, especially from the point of consumer protection view; ensuring the possibility of implementing legally established rights to democra-

tic participation through digital platforms or other digital means; compliance with the European Action Plan against disinformation, etc.

The idea of digital rights is only being filled with legal content. It should respond flexibly to problems in the field of human rights that arise in connection with the integration of information technologies into social life. Therefore, the given catalog is open and debatable, it cannot be taken categorically in advance. The prospects for further recognition and legal specification of digital rights against the background of the influences created by digital technologies seem obvious, and today new options for subjective “digital rights” are already being proposed as a subject of discussion, for example, the right to be offline, the right not to know, the right to start from a clean (digital) slate, the right to data validity, the right to know the value of your data, etc.²⁶. However, we should not forget that digital transformation is only an evolutionary stage, its time frame is not unlimited, and social changes will occur in the future, in particular, due to technological development, which will probably create the need for other new approaches to human rights.

3.3. THE RIGHT TO ACCESS THE INTERNET AS A FOUNDATION OF DIGITAL RIGHTS

The right to Internet access, in the complex of digital rights, plays a special role because it acts as a basic condition (requirement) for the realization of human rights in the Internet environment. Depriving a modern person of access to the Internet will, actually, make it impossible for him/her to exercise several basic rights most optimally at the moment. This right in the historical context reflects the objective needs of human life, which at the same time are the unchanging content of basic human rights. That is why the right to access the Internet regardless of the digital rights complex, has become the object of international and national legal regulation.

Thus, in 2014, the Parliamentary Assembly of the Council of Europe established that “the right to access the Internet includes the right to access, receive and disseminate information and ideas via the Internet without interference by state authorities, regardless of borders and taking into account the limitations established by Article 10 of the European Convention on human rights; ... member states should recognize the fundamental right to Internet access in

²⁶ Custers, B.: New digital rights: Imagining additional fundamental rights for the digital era. *Computer Law & Security Review*, 44, 2022. Retrieved from: https://www.sciencedirect.com/science/article/pii/S0267364921001096#cit_17

law and practice²⁷”. That is, on the one hand, the connection was pointed out and the determining dependence of the exercise of human rights on access to the Internet was emphasized, and on the other hand, the need to legalize the right to access the Internet was recognized.

However, the problem of the correlation of the right to access the Internet with basic human rights, its recognition as a human right (basic human right), or determining its place in the human rights system is still debatable. Regarding this, Jesse Tomalty²⁸, expressing doubts about the possibility of its proper justification as a basic (natural) human right, notes that “a person’s legal right to access the Internet may derive from more basic natural rights to freedom of expression and freedom of association, just as a person’s legal right to citizenship can be derived from a more basic natural right to freedom of movement”. Such reflections are an argument in favor of the idea of perceiving digital rights in the human rights system as derivative (in terms of origin) and instrumental (in terms of functional purpose).

In recent years, the popularity of this debate was additionally given by the speech of the Internet founder, Tim Berners-Lee²⁹, who, based on the general social importance of the network as a necessary condition for many goals of sustainable development, emphasized the need to recognize the right to access the Internet directly as a human right. Since 2010, polls have shown that more than 80% of respondents consider access to the Internet at the level of human rights. Among those who did not have the opportunity to use the Internet, more than 70% believed that they should have the right to access the Internet³⁰. The importance of the Internet as indispensable means of social communication became evident during the COVID-2019 pandemic when with the introduction of social distancing conditions, a significant increase in demand for broadband Internet services was noted, as well as a 60% increase in Internet traffic³¹.

It proves the unprecedented social importance of access to the Internet, but not its legal justification as a human right. Is access to the Internet an autonomous

²⁷ The Right to Internet Access. Assembly debate on 9 April 2014. Retrieved from: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20870&lang=en>

²⁸ Tomalty, J.: Is There a Human Right to Internet Access? 2017. Retrieved from: https://philosophynow.org/issues/118/Is_There_A_Human_Right_To_Internet_Access

²⁹ Berners-Lee, T.: It’s time to recognise internet access as a human right. In World Wide Web Foundation, 2020. Retrieved from: <https://webfoundation.org/2020/10/its-time-to-recognise-internet-access-as-a-human-right/>

³⁰ [http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/08_03_10_BBC_internet_poll.pdf], 15/01/2023

³¹ [<https://www.oecd.org/coronavirus/policy-responses/keeping-the-internet-up-and-running-in-times-of-crisis-4017c4c9/>], 15/01/2023

right or just a prerequisite for the exercise of other rights? This is a question that will still have to be answered through international agreements, the spread of legalization by national legislation, and elaboration by legal practice. The European Parliament is currently studying the legal perspectives of the right to access the Internet, including its possible design and operational parameters as a potential fundamental right, the advantages, and disadvantages of its potential recognition, and is shaping design options³².

The implementation of the legal right to access the Internet mustn't be purely declarative, but with the expected positive effect, requires sufficient socio-economic and technological conditions in the form of a basic communication infrastructure guaranteed by the state. For example, Finland became the first country in the world, which in 2010 established the right to high-speed Internet (with a minimum speed of 1 Mb/s), but at that time about 96% of the population of Finland was already connected to it³³. Today, Sweden, Germany, France, Greece, Spain, Estonia, Canada, Mexico, and Georgia are among the countries that de jure established the right to access the Internet by national legal means. However, their legal recognition of the right to access the Internet does not mean achieving the same level of its provision.

Thus, guaranteeing the right to access the Internet is not only based on its legal recognition, even as a constitutional right but also depends on the real possibilities of creating conditions for its implementation and actions in this direction. According to such characteristics, in the discourse on human rights, the right to access the Internet is close to the group of social rights. According to the European Convention on Human Rights and Fundamental Freedoms, the significant economic dependence on some aspects of social rights is recognized, which cannot be ensured instantly, which creates positive obligations of gradual implementation by the state. In the implementation of such obligations, countries are given a wide margin of discretion regarding the means most relevant in the context of the European Social Charter, "which require positive measures to implement and can sometimes only be fully implemented over time, given their complexity and the need for substantial budgetary resources³⁴".

The range of state obligations to ensure the right to access the Internet depends on the unique social, cultural, and economic conditions of each specific state

³² Mildebrath, H.: *Internet access as a fundamental right. Exploring aspects of connectivity*, 2021, 68 p. Retrieved from: [https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU\(2021\)696170](https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2021)696170)

³³ [<https://www.bbc.com/news/10461048>], 15/01/2023

³⁴ Improving the Protection of Social Rights in Europe, *I*, 2019, 164 p. Retrieved from: <https://rm.coe.int/droits-sociaux-volume-i-eng/1680a0770a>

and can be quite broad. Among the main ones, the following stand out today: general promotion of digital literacy and formation of digital skills in different age groups; promotion of gender equality; elimination of barriers to Internet access for people with disabilities; elimination of inequality in access caused by uneven infrastructure coverage and Internet connection quality; creation of means of free access to the Internet in public places; support for economically vulnerable categories of the population (social tariff for access to high-speed Internet, subsidies, etc.).

3.4. CONSTITUTIONAL ASPECT

In the modern discourse on the relationship between digital rights and human rights, understanding them from the standpoint of constitutional protection and guarantees seems particularly important and useful. As Edoardo Celeste³⁵ points out, “It is impossible to imagine that human activity, simply by crossing the threshold of the virtual world, loses constitutional protection”. Therefore, the promotion of digital rights on the way to universal recognition logically leads to the search for the definition of their constitutional and legal guarantees and protection mechanisms, which currently takes place in such formats: 1) interpretive – as the derivation of a certain digital right (as not an explicit right) from constitutional human rights and, accordingly, proving that this right is covered by existing constitutional guarantees; 2) direct definition of the digital right (as a new right) in the texts of constitutional acts³⁶.

Thus, due to the interpretative approach to the statements of the UN special rapporteur Frank La Rue³⁷, the problem of access to the Internet moved into the plane of its understanding as a certain right. In his speech, he did not assert such a right but emphasized that any restrictions on access, if not proportionate, violate the freedom of expression guaranteed by the International Covenant on Civil and Political Rights. Subsequently, Łukasz Szoszkiewicz³⁸ suggested

³⁵ Celeste, E.: The Irish Constitution and the Challenges of the Digital Age. Is It Time for a Bunreacht na hÉireann 2.0? 2017. Retrieved from: <https://ulsites.ul.ie/law/sites/default/files/Edoardo%20Celeste%20-%20Challenges%20of%20the%20Digital%20Age.pdf>

³⁶ Redeker, G. & Gasser, U.: Towards Digital Constitutionalism? Mapping Attempts to Craft an Internet Bill of Rights. *Berkman Klein Center for Internet & Society Research Publication 2015-15*, 2015. Retrieved from: <http://nrs.harvard.edu/urn-3:HUL.InstRepos:28552582>

³⁷ Report of the special rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. 2011. Retrieved from: https://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

³⁸ Szoszkiewicz, Ł.: Internet Access as a New Human Right? *Adam Mickiewicz University Law Review*, 8, 2018, 49–62. Retrieved from: <https://www.researchgate.net/publica->

that the right to use the results of scientific progress and their practical application, defined by Article 15(1)b of the International Covenant on Economic, Social and Cultural Rights, should be the starting point for conceptualizing the right to access the Internet.

Moreover, in the context of applying the interpretive approach, the case of *Ahmet Yildirim v. Turkey*³⁹, in which the European Court of Human Rights confirmed that the right to access the Internet is an integral component of the right of access to information and communication, which is already protected by national constitutions, and encompasses the right of every individual to participate in the information society and the obligation of states to guarantee access to the Internet for their citizens. The Federal Constitutional Court of Germany demonstrated a similar logic of judgments in its decisions^{40,41}.

However, the universality of the interpretive approach does not provide unlimited opportunities for its application concerning digital rights. Increasingly, the realization of almost every basic human right is conditioned by the use of digital technologies, revealing the corresponding relationships with digital rights⁴². Therefore, further substantiation of the constitutional guarantees of digital rights in an exclusively interpretive way will lead to its coverage of an ever-wider scope of human rights. Such “digitalization of constitutional rights” fragments the idea of digital rights at the constitutional level, which will not contribute to the formation of its integral concept and will negatively affect the practice of enforcement.

Reflecting on digital rights and their constitutionalization in Ireland, Edoardo Celeste⁴³ notes that principles such as freedom of information, data protection, and informational self-determination, access to the Internet, even if recognized only at the legislative level (not enshrined in the text of the Constitution),

tion/328290234_Internet_Access_as_a_New_Human_Right_State_of_the_Art_on_the_Threshold_of_2020

³⁹ Case of *Ahmet Yildirim v. Turkey*, Application No. 3111/10 of 18 December 2012. Retrieved from: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-115705%22%7D>

⁴⁰ *Leitsätze zum Urteil des Ersten Senats vom 27. Februar 2008*. Retrieved from: https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2008/02/rs20080227_1b-vr037007.html

⁴¹ *Leitsätze zum Urteil des Ersten Senats vom 9. Februar 2010*. Retrieved from: https://www.bundesverfassungsgericht.de/entscheidungen/ls20100209_1bv1000109.html

⁴² Oladejo, S.: *Digital right: Nigeria and the world*. 2017. https://www.academia.edu/34004022/DIGITAL_RIGHT_NIGERIA_AND_THE_WORLD

⁴³ Celeste, E.: *The Irish Constitution and the Challenges of the Digital Age. Is It Time for a Bunreacht na hÉireann 2.0?* 2017. Retrieved from: <https://ulsites.ul.ie/law/sites/default/files/Edoardo%20Celeste%20-%20Challenges%20of%20the%20Digital%20Age.pdf>

come from recognized constitutional rights and are often included in other national or supranational constitutional documents, and therefore are “very close to the constitutional border”. Indeed, if individual digital rights have constitutional contours comparable to established human rights, then the necessity and possibility of their direct definition by the texts of constitutional acts seem logical. The advantage of this approach is the absence of a basic attachment to the goals and limitations of already existing rights. Individual new digital rights can be developed and implemented flexibly, with the caveats inherent in most fundamental human rights, including the ability to limit them if there is a need to balance conflicting rights, freedoms, and interests⁴⁴.

There are already examples of defining individual digital rights in constitutions today. Thus, the Constitution of Georgia defines the right to freedom of belief, information, mass media, and the Internet, within which it is emphasized that “everyone has the right to access the Internet and free use of it⁴⁵”. The Constitution of Greece was supplemented by Article 5A(2), which states that “all persons have the right to participate in the information society. Facilitating access to electronically transmitted information, as well as its production, exchange, and distribution, is the duty of the state⁴⁶”. The Constitution of Portugal contains Article 35 “Use of computers”, which discloses the right to the protection of personal data and guarantees free access to public computer networks⁴⁷.

Separate evidence in favor of the prospect of introducing digital rights into the catalog of recognized human rights can be considered the “right to personal data protection”, separately allocated in Art. 8 of the Charter of Fundamental Rights of the EU⁴⁸, but which has an inextricable connection with the right to privacy and is derived from it. However, digital rights acquiring constitutional properties similar to fundamental human rights is a gradual and multifaceted process. Activation at a certain stage of the use of the second approach and,

⁴⁴ Mildebrath, H.: *Internet access as a fundamental right. Exploring aspects of connectivity*, 2021, 68 p. Retrieved from: [https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU\(2021\)696170](https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2021)696170)

⁴⁵ Constitution of Georgia, 24/08/1995. Retrieved from: <https://matsne.gov.ge/en/document/view/30346?publication=36>

⁴⁶ The Constitution of Greece - Hellenic Parliament revised by the parliamentary resolution of November 25, 2019 of the IXth Revisionary Parliament. Retrieved from: <https://www.hellenicparliament.gr/en/Vouli-ton-Ellinon/To-Politevma/Syntagma/>

⁴⁷ Portugal’s Constitution of 1976 with Amendments through 2005. Retrieved from: https://www.constituteproject.org/constitution/Portugal_2005.pdf

⁴⁸ Charter of Fundamental Rights of the European Union, 2000/C 364/01. Retrieved from: https://www.europarl.europa.eu/charter/pdf/text_en.pdf

as a result, the spread of options for the design of the idea of digital rights in the texts of national constitutions, in the long run, may lead to the formation of peculiar standards for the direct constitutional enshrining of provisions on digital rights and their corresponding perception.

The reviewed options for the constitutionalization of digital rights are not mutually exclusive. The second approach is more complex, to some extent innovative, and requires changes to the texts of the constitutions based on large-scale discussions with the participation of civil society institutions. In any case, on the one hand, it will be impossible to identify the content of the newly defined right without interpreting its relationships with other human rights, their guarantees and mechanisms of protection, and on the other hand, a digital right deduced as implicit (derivative), may inherit it is not subject to limitations from reinterpreted constitutional provisions. Therefore, both approaches should be combined in the process of further understanding digital rights to obtain all the advantages and minimize the shortcomings of their constitutional provision. In addition, the variants of the constitutional interpretation of various elements of the complex of digital rights cannot be generalized, since not all of these elements are essentially rights, and even more so rights with a fundamentally new meaning. Thus, the practice of their constitutionalization will surely follow different paths.

4. DISCUSSION

The theoretical and methodological model of digital rights will continue developing. Variants of this rights category, national, and international practices of their legalization and implementation will create new accents in this discussion, which will obviously contribute to the harmonization and formalization of acquired knowledge. Currently, there is an awareness that the digital rights referred to in the article do not go beyond human rights. However, although human rights provide a normative basis for the understanding of digital rights, the vision of the prospects for their development can be linked to various starting points such as real communicative opportunities, distributive justice, the format of democratic participation, a new paradigm of media and communication policy, etc⁴⁹.

Thus, Rikke Frank Jorgensen⁵⁰ notes that the debate on human rights issues in the context of the Internet and the information society includes different frameworks that highlight the following aspects of human rights: the infrastru-

⁴⁹ Karppinen, K.: Human rights and the digital. *The Routledge Companion to Media and Human Rights*, edited by H. Tumber & S. Waisbord. 2017. Retrieved from: https://helda.helsinki.fi/bitstream/handle/10138/231230/preprint_Human_rights_and_the_digital.pdf?sequence=1

⁵⁰ Jorgensen, R.: *Framing the Net: The Internet and Human Rights*, Edward Elgar Publishing Limited, 2013, 262 p.

ctural dimension (the Internet as a global communication resource); dimension of public activity (the Internet as a space for democratic participation); media dimension (Internet as a new media platform); cultural dimension (the Internet as new social norms and practices). It is worth agreeing with the expediency of such a multidimensional discourse on digital human rights since only in this way their key properties are revealed and well-founded concepts are formed. Therefore, to maintain the discourse in this format, but, at the same time, to search for legal guidelines for the evolution of the digital rights paradigm, the following aspects are proposed as key for consideration.

1. Progressive. Digital technologies are a kind of infrastructural environment and a universal means of human development – economic and intellectual growth, involvement in political processes, and overcoming inequality, which, in particular, makes it possible to expand and promote the guidelines of human rights as a general social value and civilizational heritage. We believe that this perspective, among other things, is the foundation of the conceptualization of the autonomous right to access the Internet, which, firstly, turns out to be a fundamental right in the system of digital rights (if such an assumption can be made at all), and secondly, becomes a key positive obligation of the state, in the context of the prospects for the development of the information society and human rights in it. As Frank La Rue notes, due to the “transformative nature of digital technologies”, access to these technologies and the ability to use them effectively should be seen as “an indispensable tool for realizing a range of human rights⁵¹”.
2. Political. Digital technologies provide new communication opportunities to humanity, contributing to the democratization and realization of many human rights (in new forms), at the same time they create new risks for human rights – surveillance, discrimination, disinformation, blocking and filtering of content, new forms of inequality and violations of the right to privacy. In the political aspect, the negative consequences of information technology use are largely determined by the intervention of the state in public communication, the right to privacy, and the effects on freedom of expression through the Internet. This is inherent in political confrontation at various levels, including the international one, and is particularly evident in the conditions of authoritarianism and young democracies. For example, on the African continent, the year the African Commission on Human and Peoples’ Rights adopted the Resolution on the Right to Freedom of Infor-

⁵¹ Report of the special rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. 2011. Retrieved from: https://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

mation and Expression on the Internet in Africa⁵², a significant number of large-scale Internet blackouts were recorded across the continent. At the same time, there was an increase in the number of laws and policies incompatible with the idea of digital rights, as well as the arrest of numerous bloggers, journalists, and citizens who exercised their right to freedom of opinion and expression on the Internet.

3. Regulatory. The Internet is a global digital environment that forms its unique approaches to network management and mechanisms for regulating relationship that arise and develop in it. This definitely affects the realization of human rights and determines the peculiar vectors of the formation and provision of digital rights. Their protection on the traditional basis of human rights protection will not be effective or at all possible, since the changes caused by digital transformations and globalization have affected both the ability of states to implement sovereign policies and the effectiveness of traditional international cooperation in ensuring public communications and human rights connected with it. Together with digital rights, the problem of extraterritoriality of human rights protection in new legal regulations in the digital environment appears, in which traditional mechanisms and institutions for the protection of human rights may lose their effectiveness.
4. Instrumental. The appearance of a complex of new rights – subjective digital rights that detail and complement basic human rights, the necessity of which is determined by new requirements and other areas of realization of basic human rights in the digital environment. An example here is a group of rights related to the automated processing of personal data (the right to access data, the right to transfer data, the right to be forgotten, etc.)⁵³. They have already gained international recognition and appropriate legalization and reflect a new format of a person's personal life, departing from established interpretations of the right to privacy of the pre-digital period. In modern technological conditions of social communication, the protection of the right to privacy (in terms of personal data) will be impossible without similar rights (operational, instrumental), which, at the same time, correspond to specific obligations as an element of security.

The positive effect of digital rights as instrumental components can be evaluated in different ways, therefore, hypothetically, such a vector of development is also possible within the framework of other human rights, but it is not

⁵² Resolution on the Right to Freedom of Information and Expression on the Internet in Africa - ACHPR/Res. 362(LIX) 2016

⁵³ Regulation (Eu) 2016/679 of the European Parliament and of the Council. On the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC. Retrieved from: <https://gdpr.eu/tag/gdpr/>

undisputed. In this context, Paul De Hert and Dariusz Kloza⁵⁴ argue that the spreading of new rights can lead to inflation and fragmentation of the human rights system. Of course, the above-mentioned aspects of the formation of the paradigm of digital rights can logically be supplemented by others, as well as contexts regarding individual rights, caused by the further progress of information technologies and the social changes to which they lead. For example, the development of artificial intelligence (robots with artificial intelligence as cyber-physical systems) and the Internet of Things focuses on a new level of human rights issues caused by information technology. These problems are actualized not only in the digital space (cyberspace) but in the interaction with “man - autonomous robots” as well and will affect the implementation of human rights in the usual non-digital dimension.

5. CONCLUSIONS

It can be concluded that digital technologies have become increasingly pervasive in society, leading to significant transformations in the regulation of social relations and the principles of law. The comprehensive catalog of digital human rights presented in the article reflects an attempt to explore the prospects and implications of digitalization on human rights.

Therefore, digital rights are a complex element of the human rights system, which primarily reflects their functional side in the digital environment. As the Internet is primarily a complex global communication tool, digital rights, by their very nature inextricably linked to it, are a supportive, instrumental component of human rights. Currently, the normative evolution of digital rights is progressing through their distributed approval as principles, requirements, guarantees, new rights, and positive obligations, which in particular leads to various options for international recognition and constitutionalization.

Over time, it is possible to predict the development of unique institutions for digital human rights, the formation and improvement of mechanisms for their provision and protection, in particular, the formation of feedback practices and assessment of the state of provision, for example, in the form of a generally recognized system of digital rights indicators by analogy with human rights. Similar options are already being used by individual organizations for some RDR Index digital rights, including privacy, freedom of expression, and internet accessibility, both by country and by individual digital platforms (Google, Facebook, Twitter).

⁵⁴ De Hert, P. & Kloza, D.: Internet (access) as a new fundamental right. Inflating the current rights framework? *European Journal of Law and Technology*, 3(3), 2012. Retrieved from: <https://ejlt.org/index.php/ejlt/article/view/123/268>

LITERATURE

1. Berners-Lee, T. (2020). It's time to recognise internet access as a human right. In World Wide Web Foundation. Retrieved from: <https://webfoundation.org/2020/10/its-time-to-recognise-internet-access-as-a-human-right/>
2. Bratasuk, O. & Mentuh, N. (2021). Concept and classification of digital rights in Ukraine. *Legal Scientific Electronic Journal*, 10, 58-61.
– DOI: <https://doi.org/10.32782/2524-0374/2021-10/12>
3. Carta Portuguesa de Direitos Humanos na Era Digital (2021). Retrieved from: https://www.parlamento.pt/Legislacao/Paginas/Educacao_Carta-Portuguesa-de-Direitos-Humanos-na-Era-Digital.aspx
4. Case of Ahmet Yildirim v. Turkey, (2012). Application no. 3111/10. Retrieved from: <https://hudoc.echr.coe.int/fre#%22itemid%22:%22001-115705%22>
5. Celeste, E. (2017). The Irish Constitution and the Challenges of the Digital Age. Is It Time for a Bunreacht na hÉireann 2.0? Retrieved from: <https://ulsites.ul.ie/law/papers-constitution-80-conference>
6. Cerf, V. (2012). Internet access is not a human right. In *The New York Times*, Retrieved from: <https://www.nytimes.com/2012/01/05/opinion/internet-access-is-not-a-human-right.html>
7. Charter of Fundamental Rights of the European Union (2000). 2000/C 364/01. Retrieved from: https://www.europarl.europa.eu/charter/pdf/text_en.pdf
8. Constitution of Georgia (1995). Retrieved from: <https://matsne.gov.ge/en/document/view/30346?publication=36>
9. Custers, B. (2022). New digital rights: Imagining additional fundamental rights for the digital era. *Computer Law & Security Review*, 44.
– DOI: <https://doi.org/10.1016/j.clsr.2021.105636>
10. De Hert, P. & Kloza, D. (2012). Internet (access) as a new fundamental right. Inflating the current rights framework?, *European Journal of Law and Technology*, 3(3). Retrieved from: <https://ejlt.org/index.php/ejlt/article/view/123/268>
11. Declaration on European Digital Rights and Principles (2022). Retrieved from: <https://digital-strategy.ec.europa.eu/en/library/declaration-european-digital-rights-and-principles#Declaration>
12. Digital democracy with a purpose. (2022). Lisbon declaration. Retrieved from: <https://www.lisbondeclaration.eu/>
13. Domaradzki, S., Khvostova, Pupovac, D. (2019). Karel Vasak's Generations of Rights and the Contemporary Human Rights Discourse. *Human Rights Review*, 20, 423-443.
– DOI: <https://doi.org/10.1007/s12142-019-00565-x>

14. Dovhan, B. & Mikhailina, T. (2021). Digital human rights of the fourth generation through the prism of transhumanism. *Entrepreneurship, Economy and Law*, 1, 171-175.
– DOI: <https://doi.org/10.32849/2663-5313/2021.1.30>
15. Finland makes broadband a 'legal right'. (2010). In BBC News. Retrieved from: <https://www.bbc.com/news/10461048>
16. Four in Five Regard Internet Access as a Fundamental Right: Global Poll (2010). Retrieved from: http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/08_03_10_BBC_internet_poll.pdf
17. Improving The Protection Of Social Rights In Europe (2019). Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe, 164 p. Retrieved from: <https://rm.coe.int/droits-socials-volume-i-eng/1680a0770a>
18. Jensen, S. (2017). Putting to rest the Three Generations Theory of human rights. Retrieved from: <https://www.openglobalrights.org/putting-to-rest-the-three-generations-theory-of-human-rights/>
19. Jorgensen, R. (2013). *Framing the Net: The Internet and Human Rights*, Edward Elgar Publishing Limited. 262 p.
– DOI: <https://doi.org/10.4337/9781782540809.00010>
20. Karppinen, K. (2017). Human rights and the digital. *The Routledge Companion to Media and Human Rights*, edited by H.Tumber & S.Waisbord.
– DOI: <https://doi.org/10.4324/9781315619835-9>
21. Keeping the Internet up and running in times of crisis (2020). Retrieved from: <https://www.oecd.org/coronavirus/policy-responses/keeping-the-internet-up-and-running-in-times-of-crisis-4017c4c9/>
22. Krylova, D. (2017). The fourth generation of human rights in the context of the relationship between legal and moral norms. *Jurnalul Juridic Național: Teorie Și Practică*, 2, 26-30. Retrieved from: <http://www.jurnaluljuridic.in.ua/archive/2017/2/6.pdf>
23. Leitsätze zum Urteil des Ersten Senats vom 27. Februar 2008 (2008). Retrieved from: https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2008/02/rs20080227_1bvr037007.html
24. Leitsätze zum Urteil des Ersten Senats vom 9. Februar 2010 (2010). Retrieved from: https://www.bundesverfassungsgericht.de/entscheidungen/ls20100209_1bvl000109.html
25. Mathiesen, K. (2014). Human Rights for the Digital Age, *Journal of Mass Media Ethics*, 29(1), 2-18.
– DOI: <https://doi.org/10.1080/08900523.2014.863124>

26. Medunska, O. & Sunorub, H. (2021). Human rights and digital transformation. Human in the Ukrainian society in the system of values of human rights: modern dimension of media activity: Proceedings of the All-Ukrainian Scientific and Practical Conference (pp.192-196). Kyiv, Ukraine: Institute of Journalism. Retrieved from: http://dspace.tnpu.edu.ua/bitstream/123456789/23739/1/Synorub_Medynska_Prava_lyudyny.pdf
27. Mildebrath, H. (2021). Internet access as a fundamental right. Exploring aspects of connectivity, 68 p. Retrieved from: [https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU\(2021\)696170](https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2021)696170)
28. Oladejo, S. (2017). Digital right: Nigeria and the world. https://www.academia.edu/34004022/DIGITAL_RIGHT_NIGERIA_AND_THE_WORLD
29. Popovych, T. & Shavaryn, A. (2019). Essential fulfillment of the fourth generation of human rights. *Entrepreneurship, Economy and Law*, 12, 266-271.
– DOI: <https://doi.org/10.32849/2663-5313/2019.12.49>
30. Portugal's Constitution of 1976 with Amendments through 2005 (2005). Retrieved from: https://www.constituteproject.org/constitution/Portugal_2005.pdf
31. Razmetaeva, Y. (2020). Digital human rights and problems of extraterritoriality in their protection. *Law and Public Administration*, 4, 12-23.
– DOI: <https://doi.org/10.32840/pdu.2020.4.2>
32. Redeker, G. & Gasser, U. (2015). Towards Digital Constitutionalism? Mapping Attempts to Craft an Internet Bill of Rights. Berkman Klein Center for Internet & Society Research Publication 2015-15. Retrieved from: <http://nrs.harvard.edu/urn-3:HUL.InstRepos:28552582>
33. Regulation (Eu) 2016/679 Of The European Parliament And Of The Council (2016). On the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC. Retrieved from: <https://gdpr.eu/tag/gdpr/>
34. Report of the special rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (2011). Retrieved from: https://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf
35. Szoszkiewicz, Ł. (2018) Internet Access as a New Human Right? *Adam Mickiewicz University Law Review*, 8, 49-62.
– DOI: <https://doi.org/10.14746/ppuam.2018.8.03>
36. The Charter of Digital Rights (2014). A guide for policy-makers. The EDRi papers. Retrieved from: https://edri.org/wp-content/uploads/2014/06/EDRi_DigitalRightsCharter_web.pdf
37. The Constitution of Greece - Hellenic Parliament (2019). Retrieved from: <https://www.hellenicparliament.gr/en/Vouli-ton-Ellinon/To-Politevma/Syntagma/>

38. The promotion, protection and enjoyment of human rights on the Internet (2016). Retrieved from: https://ap.ohchr.org/documents/dpage_e.aspx?si=a/hrc/res/32/13
39. The right to Internet access (2014). Parliamentary Assembly Resolution 1987. Final version. Retrieved from: <https://assembly.coe.int/nw/xml/XRef/Xref-X-ML2HTML-en.asp?fileid=20870&lang=en>
40. Tomalty, J. (2017). Is There A Human Right To Internet Access? Retrieved from: https://philosophynow.org/issues/118/Is_There_A_Human_Right_To_Internet_Access
41. Tully, S. (2014) A Human Right to Access the Internet? Problems and Prospects. *Human Rights Law Review*, 14(2). 175-195
– DOI: <https://doi.org/10.1093/hrlr/ngu011>
42. Vasak, K. (1977). A 30-Year Struggle: the Sustained Efforts to give Force of law to the Universal Declaration of Human Rights. *The UNESCO Courier: a Window Open on the World*, XXX, 11, 29-32. Retrieved from: <https://unesdoc.unesco.org/ark:/48223/pf0000074816>
43. Verlos, N. (2020). Constitutionalization of digital human rights: domestic practice and foreign experience. *Journal of the Kyiv University of Law*, 2, 129-133.
– DOI: <https://doi.org/10.36695/2219-5521.2.2020.21>

