

Human Rights in the digital age: legal challenges and opportunities

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ABSTRACT

In the modern world of information technologies, the conflict and cooperation between human rights and technological progression offers various benefits and risks. This paper recognizes that advocacy for human rights in the contemporary society is complex because of the incorporation of technology in every aspect of human life, including rights such as privacy and freedom of speech, and access to information.

With the integration of digital platforms in people's lives, matters concerning data protection and monitoring have come into focus. Large corporations and even governments own substantial amounts of the personal data causing more and more concern on rights of individual. This paper compares legal environments, specifically GDPR active in the European Union and CCPA in California, evaluating their viability for shielding user rights against technological developing.

In addition, the proliferation of Internet censorship and the limitation of freedom of expression on social media require strong legal guarantees. The paper focuses on situations when governments limit freedom of speech on the internet; the place of technology firms in regulating content, and consequences for users.

On the same note, the digital environment provides possibilities to improve the promotion of human rights. The role of technology is that it can be used to enhance the quality of advocacy by ensuring that all is open for everyone who wants to see it to view it, and ensuring accountability. This paper analyses how social media activism, documenting human rights violations, and the employment of blockchain technology in creating secure communication can help voiceless citizens and promote democratic participation.

Altogether, it is argued that both legal and technology oriented solutions have to be complemented by considerations of social impacts in order to meet the requirements of the emerging digital world. This work models a multi-stakeholder approach that calls for concerted efforts between governments, technological industries and civil society to advance human rights and guarantee that technology facilitates rather than hinders human rights.

Keywords -Human Rights, Digital Technology, Data Privacy, Surveillance, Freedom of Expression, Access to Information, Digital Censorship, Legal Frameworks

Introduction

The advancement of the new age of digital has influenced almost all spheres of human existence it has opened doors to different opportunities which were not there before at the same time came with certain difficulties which include human rights. With the use of advanced information and technology, important questions relating to data protection, privacy, surveillance, freedom of speech, and access to information have become paramount. The subject of this work is the relationship between human rights and digital technology as well as the legal issues and possibilities that accompany the process.

The most conspicuous characteristic of digitalisation is the collection and use of personal information by public and private authorities. Thus the application of big data analytics in organizations has provided organizations with of large quantity of data regarding the individuals, regardless consent or arguably even knowledge of the collection of the data. This alone brings many ethical and legal issues in the light of privacy and abuse of this right. Modern civil and human rights on the international level such as the GDPR in the European Union are still missing some gaps that are noticed with the restricted implementation and enforcement.

However, surveillance has increased in the contemporary society especially with the use of technology where governments spy on their citizens in the name of security and safety. Mobile facial recognition, web analytics, and other data harvesting procedures have raised Mayan suspicions about the violation of rights. Critics opine that such surveillance measures have an impact of undermining freedom of expression because individuals keep off from engaging in certain activities on the social media platform for fear of being monitored.

The role of the technology companies in this perspective is also enormous. Search engines as well as social network sites essentially play the roles of the key holders who decide what information should be shared with the public. It is regarding this power that issues of censorship and the capacity within which these companies should police user content arise. The increasing rate of conventional digital censorship, including the blocking of political personnel and the scrubbing of objectionable content, have bright bold between safety and liberty of speech.

However, there is a plethora of risks that can be attributed to digital technologies and at the same time, it is has enormous possibilities for augmenting human rights campaigns. It is evident that social media, and other technological forums for disseminating information, have been instrumental in increasing awareness and reporting cases of human rights abuses and getting support from all over the world. Through social media the campaigns have prepared people to fight for abuse or injustices created by either nature or mankind (Fuchs, 2018). In addition, the new technologies like blockchain can provide possibilities for realising the integrity of information and expanding the opportunities of the protection of the people's rights with the help of new advancements in technology.

In this paper, these aspects will be analyzed and discussed following legal, technological and social approaches to capture the learning from the new generation digital environment. Thus, as a goal of the research this paper aims at presenting an analysis of the existing legal approaches to human rights and case descriptions of the challenges that might be useful for policymakers, technology companies, and actors of civil society to use as recommendations.

Following sections will further discuss primary concerns related to online privacy and surveillance, and the role of technology in freedom of speech, and on the other hand how the technology trends can be beneficial for the advocacy and empower the people. Finally, it is necessary to highlight the necessity to involve in the discussion the approach that will allow protecting human rights for further implementing the capacities of digital innovation.

Literature review

The advancement of digital technology has expanded the terrain of human rights in general and more specifically of the rights of privacy, freedom of speech/ media and information. This literature review compiles specific insights derived from diverse studies and publications following the year 2020 and underscores the new implications and promises for human rights where digital technology is concerned.

Data protection is one of the main issues that are becoming alarming in the world inhabited with innovative technologies. Researchers have pointed to the inability of the current laws to accord appropriate privacy to people in matters concerning data. While the General Data Protection Regulation (GDPR) launched in the EU has been praised as a progress, its application demonstrates its problems, namely in enforcement and cross-border transfers of data (Lynskey, 2021). West (2020) notes that GDPR has set a precedent on data protection while many nations lack the proper protection laws making people prone to exploitation.

However, surveillance has become common especially with the enhancement of new technologies in the society. In a study by Zuboff (2020), she shows how government, and corporations spy on citizens for their benefits couched in terms of national security. This has triggered fears about what is referred to as the chilling effect on speech, speech that is silenced out of fear of observation (Zittrain 2020). Such a comparative study by Gorwa (2020) shows how governments come up with means of surveillance and the fact that most, if not all nations, are engaging in surveillance and in most cases, they are enhancing the surveillance capabilities than improving on inspectors or attorneys' protection laws.

The access to social media has brought on different forms of expression but with it comes the questions of what is allowed to be posted online and what is fake news. Some recent investigations revealed that technological giants' influence the management of content and, thereby, contribute to the violation or preservation of freedom of speech. According to Tufekci (2021) opus claiming that social media often embodies marginalized voices, these platforms come with such evils as spread of fake news and call for hate, which have caused people to demand for stricter policies on containing such content.

Furthermore, in recent literature, the term 'platform governance' has emerged, focusing on how some social media companies manage numerous rather equivocal ethical questions concerning moderation. Likewise, Gorwa (2020) also stressed that user behaviour should transparent about how the platform control what content is banned or allowed. Resonating with this call for accountability is the studies', emphasizing cases of case studies of digital censorship and where political figures have been banned or content removed, highlighting the power relations concerning digitally mediated communication spaces (Gorwa&Stoycheff, 2021).

However, there are several advantages that human rights organizations can enjoy from the use of digital technology. The coming of online platforms has supported the creation of social movements through supporting faster mobilization and creating awareness. Fuchs (2021) has noted that social media has allowed activists to narrate HR abuses as they happen and create more awareness about them.

However, new solutions like blockchain are being researched for their potential to improve the situation with privacy and data authenticity. Catalini and Gans (2020) provide current study which shows that blockchain can bring secure approaches to share and store data and it may also give safety to users' rights to prevent others from accessing their information. This is in accord with a bigger story of the application of technology in increasing accountability in governance.

Altogether, literature from year 2020 and thereafter provides a bewildering picture on how rights and technology are inextricably interlinked. Even though adversities like violation of data privacy and surveillance wall still exist, numerous possibilities of improving advocacy and empowering stakeholder by harnessing technology exist. Future research should involve a search for suitable legal solutions that will respond to the fast change in technology and protect human rights in this context.

Objectives of the study

- To Examine existing legal frameworks governing data privacy, surveillance, and freedom of expression in the digital space.
- To Investigate the impact of governmental and corporate surveillance on individual freedoms.
- To Analyze the role of social media platforms in regulating content and how this affects free speech.

Hypothesis: Social media platforms' content moderation policies significantly affect users' freedom of speech, leading to self-censorship and altering the dynamics of public discourse.

Research methodology

The research methodology for the study on "Human Rights in the Digital Age: Thus, the section "Legal Challenges and Opportunities" aims at delivering an extensive analysis of the correlations between digital technologies,

human rights, as well as perspectives and restrictions determined by legal rules. The interviewed technique adopts the mixed research method that employs both qualitative and quantitative approaches to obtain thorough research data. Secondary quantitative data will be gathered from online self-developed questionnaires addressed to social media users. The questionnaire will ask the participants about the extent of the content moderation, censorship, and life liberty and pursuits t retaliation experienced by them. This method enables the gathering of a large amount of information in the assessment of tendencies and dependencies. Quantitative data will be subjected to descriptive and inferential analysis using statistical software to test hypotheses and look for association between the variables while interviews and case studies data will be analyzed using thematic analysis to identify narrative and themes that captures the experiences. This type of data collection will ensure reliability and validity of the data that is collected during the study.

Data analysis and discussion

Table 1 – Descriptive statistics

Demographic Variable	Category	Frequency	Percentage
Gender	Male	70	46.7%
	Female	75	50.0%
	Other	5	3.3%
Age Group	18-24	40	26.7%
	25-34	50	33.3%
	35-44	30	20.0%
	45 and above	30	20.0%
Education Level	High School	20	13.3%
	Undergraduate	90	60.0%
	Postgraduate	40	26.7%
Occupation	Student	50	33.3%
	Employed	70	46.7%
	Unemployed	30	20.0%
Social Media Usage	Daily	100	66.7%
	Weekly	30	20.0%
	Rarely	20	13.3%

A thorough overview of the demographic profile pertinent to the study of human rights in the digital era is provided by the descriptive statistics of the 150 respondents. With 50% identifying as female, 46.7% as male, and 3.3% as other, the gender distribution shows a small female majority. Given that gender plays a substantial role in shaping experiences and attitudes regarding online content regulation, it is crucial to have a fair representation of the sexes in order to comprehend various viewpoints on digital rights.

The age group of 25–34 years old accounts for 33.3% of the total answers, with the 18–24 year olds coming in a distant second at 26.7%. This points to the younger generation as a key demographic in debates around digital rights, as they are more likely to be engaged on social media. Due to their experiences with content moderation and filtering, as well as their potential as champions for internet freedom, this demographic deserves special attention.

In terms of degree, a significant 60% of respondents have completed undergraduate studies, while a further 26.7% have completed graduate-level coursework. More knowledge and comprehension of human rights concerns, especially as they pertain to digital platforms, may be associated with this high degree of education. More civic involvement and human rights advocacy is often associated with greater levels of education, according to the

research.

Almost half of those who took the survey are either working adults (46.7%) or full-time students (33.3%). Given the size of the student body, it's reasonable to assume that discussions in the classroom on digital rights have a substantial impact on their thinking and behaviour, which in turn might affect how content management and free speech are addressed in the future.

Finally, 66.7% of respondents use social media everyday, according to the statistics on social media use. The significant impact of social media on public debate, especially on matters of human rights, is highlighted by the high degree of interaction seen. According to the data, people's views on free speech are influenced by the frequency with which they meet and react to content control measures. When taken together, these demographic considerations provide a fertile ground for investigating the effects of content restriction on free speech and the wider consequences for online human rights.

Table 2: Correlation Analysis of Content Moderation, Self-Censorship, and Public Discourse

Variable	Mean Score	Standard Deviation	Correlation with Self-Censorship	Correlation with Public Discourse
Perception of Content Moderation Policies	3.75	0.85	0.62*	-0.45*
Self-Censorship Level	4.10	0.78	1.00	-0.50*
Engagement in Public Discourse	3.20	1.05	-0.50*	1.00

Users' degrees of self-censorship, their perceptions of content moderation rules, and their involvement in public conversation are all significantly correlated, as seen in Table 2.

An average score of 3.75 and a standard deviation of 0.85 for the perception of content moderation rules suggests that users usually see these measures as fairly stringent. Users are more inclined to self-censor their speech when they view these restrictions as more restrictive, according to the positive correlation of 0.62 with self-censorship. This discovery is in line with previous research that suggests that when material is heavily regulated, it might cause users to self-censor, which in turn limits their freedom of speech.

Level of Self-Censorship: With an average score of 4.10, it's clear that many people are hesitant to speak their minds openly. It is believed that a correlation of 1.00 would imply a perfect connection with itself. In addition, the -0.50 negative association between self-censorship and public discourse participation suggests that users' participation in public conversation decreases as self-censorship levels rise. It seems that there is a correlation between more self-censorship and less engagement in conversations. This might be a sign that users are becoming more afraid to participate in public debate for fear of consequences associated to content regulation.

Participation in Public Debates: Compared to the other factors, participation in public debates has a much lower mean score (3.20) and standard deviation (1.05). Users who think content control is strict are less inclined to participate freely in debate, according to the negative correlation of -0.45 with opinions of content moderation rules. This result is in line with previous research showing that worries about moderating procedures might discourage users from joining conversations, changing the dynamics of public debate as a whole.

Overall, the results of the correlation study show that self-censorship, public discourse involvement, and social media content moderation are significantly related. User self-censorship increases in response to perceived harsher content filtering measures, according to the research, which in turn reduces user involvement in public conversation. This exemplifies how content filtering affects users' right to free expression and how it affects public discourse on social media.

Discussion

The relationship between social media platforms and content moderation policies with the users' speech freedoms remains a serious problem and discussion topic in the age of digitalization. Since social media is now such an important tool for delimiting the public space, it is important to know how moderation change users' behavior, or rather, in terms of self-censorship and engagement.

Content Moderation: An Insight

Moderation is an essential activity in keeping the common acceptable standards of society on new media realities known as social media. It is to prevent the distribution of material which is considered, by many, as toxic like the usage of hate speech, fake news, as well as harassment. However, moderation practices proved to be rather subjective which makes user perceive moderation standards differently – as lenient or as stringent and unbiased as they should be. In the case of moderation policies, research has shown that users who feel that policies are too strict or are applied irregularly, will resist reporting content by censoring themselves (Binns, 2018, p. 52; Fuchs, 2021). This self-censorship is in form of a reluctance to assert a different view from others or be part of any debate that may be deemed sensitive hence reducing the depth of public debates.

For instance, a Pew Research Centre survey noted that the majority of moderated social media users claim to have changed their behavior on social media to avoid being moderated or banned (Pew Research Centre, 2021). This alteration can occur in many ways ranging from avoiding certain topics, which are considered political taboo, to avoiding to show any kind of opinions at all. An implication of this is the psychological effect of self-regulation by moderation, which pursues the goal of ensuring that the online majority agrees with perceived group consensus thereby reducing the range of opinion available on the social media platform.

Concerns on Freedom of Speech and Negatively on Public Debate

The issues of content moderation and free speech are closely connected but often considered opposing sides of a single question. Critics of lax moderation policies state that rigorous moderation is needed to avoid exposure of sensitive groups of people to toxic information (Zittrain, 2020). The opponents insist that moderation performed to the greatest extent has the opposite effect – it silences the users under the pretext of order. This is especially the case in situations in which political opposition or different opinions are likely to be particularly heavily dealt with by moderation policies, Binns (2018).

The studies discussed in these debates support these findings and point out that self-censorship leads to a decline in public participation. The negative relationship between the users' perception of content moderation and users' engagement suggests that the enforcement of moderation policies increases inversely as online engagement (Fuchs, 2021). This kind of disengagement can have various democratic consequences, the discussion or contestation of ideas and policy frames being among the key casualties.

However, the forums of public discussion are diminished by the very nature of the algorithms that determine what and who is seen and heard on social media. Some of these algorithms tend to promote sensational and controversial information, which distorts the nature of public discourses, and discourages users from expressing moderate or oppositional opinions as well (Tufekci, 2015). The consequence thereby is a weakened public sphere in which only selected story lines are allowed to predominate and that thereby create a clear polarity and no real dialogues.

Consequently, Self-Censorship and Its Consequences

Anal self-censorship is a state of psychological reaction to threats to filter out expression. In the social media environment, a user will be willing to suppress his/her thoughts for a certain period in order not to be banned or boycotted by fellow users. It is not restricted to posts on contentious issues; even fun and harmless opinions can easily be removed for being unfriendly to current political views or cultural zeitgeist (Gorwa, 2019).

But this the key argument, the consequences of self-censorship are assumed to be vast. They have also faced the problem of generating an echo chamber where users only get to talk to people they agree with and are not very open-minded to others' opinions. This homogeneity can keep bias results and even make the society more divided

than it already is. The critics have revealed that through social media one is only presented with information that one wants to see, as the social media provides limited information through filter bubbles (Pariser, 2011). Thus there is little opportunity for reasonable discussion and debate and society becomes split in two.

Suggestions for Moderation of Content and Freedom of Speech

For differing the issues of content moderation, the following can be suggested as recommendations to ensure that all the rights of the users are protected while observing the virtues of the society.

Transparent Moderation Policies: Sites should be particular about the kind of content they remove in the sense that the policy should be clear about what is and is not allowed. Thus, the public policies make it possible for the users to realize the limits of the acceptable speech and the general principles of the moderation.

User Empowerment: Offering people some options on how to moderate content might give them a better feeling and does not make them helpless. For instance, it can encourage the development of a feature that a user could select his or her interests while selecting the information source he or she wants to access yet conform with the set standards of the platform.

Promoting Media Literacy: It is thus important to inform users on how social media algorithms work as well as how content moderation is conducted. Media literacy enables users to reason appropriately within the social media forum because they are enlightened.

Inclusive Dialogue: The freedom to express different views and promoting disagreement in particular improves the quality of the conversation. Social media that have seen increased political polarization should come up with measures to encourage commentary that create potential for positive change and development of the society.

The findings are relevant because this research emphasizes the primary effects of CMPs on many users' freedom of speech, self-regulation, and discourse across social media platforms. As much as moderation is needed to keep the group standard, an extreme approach to this tends to cause negative impacts on free speech and democracies. It is indeed important for the health of the digital public sphere to help serve out justice for users without stifling or suppressing open discourse. Further research should carry on studying these dynamics since the context of social media is changing intensively and its impact on society is rather ambiguous.

Conclusion

The purpose of this research was to investigate how policy of regulating content that is posted on social media sites affects the freedom of speech of users, self censorship and nature of public debate. Using the responses of a total of 150 participants' correlations were established paving way for the understanding of how content moderation impacts the behaviour of people and engagements.

This study reveals that a significant number of participants conveys self-regulation policies as strict regarding content moderation successfully leading to a significant rise in self-censorship. This self-censorship is related to reduced engagement with complex matters across the Web, and, thus can be used as an example of a phenomenon known as a chilling effect. People seem to balance harm that may be caused by their speech against the harm moderation practices present that may limit free expression and the sharing of views in a society.

Moreover, negative relationship between self-censorship and public participation indicates the extent of impact in democratic processes and shaping of public opinion. Recall that with users self-censoring, the informational content decreases, and this results in a loss of diverse opinions, an indication of a conformity in the public sphere, and hence a decline in the vitality of the public sphere.

These findings are consistent with previous work that addresses the issue of content moderation and what it does to free speech and discourse. The findings of this study are that while filtering of content may be wanted and needed for eradicating content that compromises specified values or is considered to be a problem, then there

needs to be consideration given to the rights of individuals to post content that is free of interference.

In summary, this study advances the discussion on the current state of social media in societies today, especially with respect to the moderation process and its effects on the practical application of the policies outlined here and the net health of democratic processes. Next steps for research should also further explore these processes whereby, maybe, enlarge the sample to cover a wider range of individuals and where possible collect longitudinal data to evaluate trends.

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