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# Digitalisation and its Impact on Human Rights

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HONEY<sup>1</sup>

## ABSTRACT

*Digitalisation is the process through which a vast level of information is converted into digital form. The rapid growth of technology and digitalisation has brought significant changes in the lives of individuals and the exercise of their rights and freedoms. While there are numerous benefits associated with digitalisation, there are associated negative effects on society and human rights of the individuals as well. This research paper aims to provide an insight about the influence of digitalisation on the exercise of human rights of the individuals.*

**Keywords:** *Digitalisation, technology, information, internet, human rights.*

## I. INTRODUCTION

The technology is evolving and integrating the world into one space and drastically transformed the world by bringing forth new and innovative advancements. The 20th century witnessed the inception and advancement of computer and information technology which are proved to be useful for computing, storing, and analysing different kind of information.<sup>2</sup> The recent progress in the domain of internet and web-based technologies has ushered new methods for creating, disseminating, accessing, and utilizing different type of information.<sup>3</sup>

The technology has made a great impact in the day-to-day lives of the individuals. According to a recent report<sup>4</sup> of the International Telecommunications Union (ITU), in 2023, approximately 5.4 billion people or 67% people of the worlds' population are using different online platforms for various purposes. As per the report<sup>5</sup>, the internet usage of the individuals continues to grow with a sharp increase of 45% since 2018, with addition of 1.7 billion new individuals who started using online resources from 2018 only. The report<sup>6</sup> also depicts that upon comparing the data relating to the number of internet users from 2005 to that of 2023, it

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<sup>2</sup> ABDERRAZAK MKADMI, Digital Tools and Uses Set Archives in The Digital Age, Preservation and the Right to be Forgotten (ISTE Ltd and John Wiley & Sons, Inc., 2021).

<sup>3</sup> Saima Khan & Dr. Shazia Khan, *Digitization and its Impact on Economy*, 5 IJODLS (2015).

<sup>4</sup> ITU-D ICT Statistics, <https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx> (last visited August 19, 2024).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

is found that there is positive increase of 70% in the number of internet users from 2005 to 2023. This data shows the importance and role of technology in the lives of the individuals.

Indeed, internet has brought about various new ways for individuals to communicate, access information, exercise their rights, etc. The increased use of smart devices for activities like reading news, making online payments, etc., present new opportunities for exercising both individual and collective rights. The availability of online platforms and resources also advanced the exercise of the human rights, such as those pertaining to health and education, as well as the freedom of expression.<sup>7</sup> The enjoyment of almost every human right is impacted by digital technologies. For instance, artificial intelligence has led to remarkable advancements in the right to health by uncovering new medical treatments. The internet has greatly improved access to information, allowing people to connect with others worldwide.<sup>8</sup>

On one side, there are significant opportunities to support people in exercising their human rights through online mediums, but on the other side, there are also new and heightened risks, as well as connections and conflicts between rights.<sup>9</sup> As individuals access the digital realm, they face a multitude of challenges as well, such as the impact of inadequate regulation, prevalent censorship and surveillance, the surge in cybercrime, online harassment and hateful language, and the continual propagation of mis-information. Some of the risks to the human rights due to the digital advancements have also been surfaced e.g., misinformation and hate speech spread rapidly and widely on social media platforms, leading to harmful impact on minorities and women.<sup>10</sup> Furthermore, overly broad laws in the online environment are used to target human rights defenders, journalists, and critics, silencing freedom of expression. The abundance of personal data available for Artificial Intelligence (AI) systems undermines privacy, as does the expansion of surveillance enabled by digital methods. Also, full benefits associated with the digital transformation remain elusive for individuals due to worries about safeguarding human rights on the internet.

## II. DIGITALISATION: MEANING

In *Cambridge Dictionary*, the word ‘digitalize’ is defined as “to change something such as a document to a digital form or a form that can be stored and read by computers”. The word

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<sup>7</sup> Human Rights Watch, <https://www.hrw.org/news/2014/12/23/human-rights-digital-age> (last visited August 20, 2024).

<sup>8</sup> The Ohchr Organisation, <https://www.ohchr.org/sites/default/files/udhr/publishingimages/75udhr/HR75-high-level-event-Digital-Technologies-Think-Piece.pdf> (last visited August 20, 2024).

<sup>9</sup> Ana Beduschi, *Governance of Digital Technologies and Human Rights*, Geneva Graduate Institute (March, 2022), <https://globalchallenges.ch/issue/11/governance-of-digital-technologies-and-human-rights/>

<sup>10</sup> Daniil Filipenco, *Human rights and digitalisation: Exploring the key challenges*, Development aid (January 02, 2024), <https://www.developmentaid.org/news-stream/post/172527/human-rights-and-digitalization>

‘digitalisation’ is defined in *Merriam-Webster Dictionary* as, “the process of converting something to digital form”.

According to *Pearce-Moses*<sup>11</sup> “Digitalisation is the process of transforming analogue material into binary electronic (digital) form, especially for storage and use in a computer”.

*Witten and David*<sup>12</sup> define digitalisation as “The process of taking traditional library materials that are in form of books and papers and converting them to the electronic form where they can be stored and manipulated by a computer”.

*The US Institute of Museum and Library Services (IMLS)*<sup>13</sup> defines digitalisation as “The process of converting, creating, and maintaining books, art works, historical documents, photos, journal, etc., in electronic representation so they can be viewed via computers and other devices”.

Therefore, it can be summarized that digitalisation is a by-product of technology and contains the process through which information, data, image, etc., are converted into digital format so that the same can be made available on internet and read by electronic devices by the individuals at the same time. It is the process which allows access to information through digital means on any device, representing a groundbreaking development in the realm of information. Digitalisation transforms the business and other information in digital or virtual mode.<sup>14</sup> Therefore, digitalisation can be understood as the process through which people are enabled to read digital format of different texts and documents.<sup>15</sup> It is a process to convert the existing information, available in hard copy format, into an electronic form so that the same could be accessed online and used easily by everyone without any interruption.

### III. DIGITALISATION: ADVANTAGES AND DISADVANTAGES

As gathered from the definition of digitalisation, it is the process which allows to transform certain information from print media to digital media. The electronic change in communication methods is driven by the expansion of the internet, which enables widespread access to vast amounts of information for everyone.<sup>16</sup>

The innovative technology has introduced certain revolutionary changes in economic, social

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<sup>11</sup> Richard Pearce-Moses, *Glossary of Archival and Records Terminology*, (The Society of American Archivists 2005).

<sup>12</sup> Stephanie Routhier Perry, *Digitization And Digital Preservation: A Review Of The Literature*, 4 Sjsu (2014).

<sup>13</sup> Michael Seadle And Elke Greifeneder, *Defining A Digital Library*, Emerald Insight, 170 (2007).

<sup>14</sup> Kecheng Liu, Keiichi Nakata, *Digitalisation, Innovation, and Transformation* (Springer International Publishing, 2018).

<sup>15</sup> Saima Khan & Dr. Shazia Khan, *supra* note 3.

<sup>16</sup> *Id.*

and personal areas of humans. Digitalisation facilitates the states to achieve new goals of efficiency, connectivity, productivity, services, and, economic growth. It opens new windows of opportunities by adding new digital platforms and increased productivity in many sectors.<sup>17</sup>

The increased usage of technology and digital devices do have potential to boost economic activities and to accelerate the economic growth by creating new opportunities for many. The advancement of information technology helps to create more opportunities in the IT sector. The software development, hardware manufacturing, outsourcing, trade, industry, financial services are some of the key areas which have seen higher employment rate due to the advancement of technology. However, the potential benefit to these opportunities is contingent on a set of social, economic and institutional dimensions viz., assets, capabilities, and institutional conditions of the country. Therefore, the economic impact of technology is relatedly higher in the developed countries than the developing ones due to different economic structure of these countries.<sup>18</sup>

In terms of economic impact, digitalisation is proved to be cost effective by reducing the process cost in the knowledge practices relating to production, organisation and communication of information. Therefore, the organisations, institutions and businesses are taking steps to make their content or service digital so that they may reach every potential customer/ internet user.<sup>19</sup>

Digitalisation has influenced the lives of individuals to the great extent. Due to digitalisation of the resources, the restriction on the number of users accessing the information is removed, which enabled different users to access the same information at same time simultaneously without any restriction. The data or information is saved on the web and can be accessed by anyone at any time. It facilitates the people to access, store, and share a wide range of information on the web in just a click. The accessibility to any information or public services has become easier than before.<sup>20</sup> By providing accessibility of information to the individuals, digitalisation also serves the purpose of facilitating learning and research.

Further, upon analysing the impact of digitalisation on the society as a whole, it could be summarised that although the initial cost of digitalisation is high as it demands good infrastructure like a website, good hardware, software system, good bandwidth speed, educated staff, and continued research but, there are attached long term benefits to the society by digitalisation. Eventually, the handling and storage cost of information is reduced. It saves manufacturing cost, is time-efficient and is more reasonable in comparison to the traditional

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<sup>17</sup> Dibyendu Maiti, Fulvio Castellacci, *Digitalisation and Development Issues for India and Beyond* (Springer Nature Singapore Pte Ltd., 2020).

<sup>18</sup> Saima Khan & Dr. Shazia Khan, *supra* note 3.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

form of accessing information. It reduces the marginal cost of producing copies of the same information.<sup>21</sup>

There are other positive advantages of digitalisation as well. It opens new gates to the institutions to progress in the field of communications and applications. The open access to a wide range of information integrated the knowledge of different societies, cultures, and countries which is eventually helpful for the individuals and the society as well. A wide range of knowledge in the form of books and other historical material is being preserved easily for the present as well as future generations. Digital mode of information also has ecological impact on the society by reducing the use of hard paper and providing easily accessible content on a click.<sup>22</sup>

Besides having a number of positive impacts, the technology is creating as many new obstacles for development as the opportunities it opens up. Undoubtedly, the technology has thrust our world towards an unprecedented human progress, yet the new challenges introduced by it cannot be ignored. Digitalisation needs active investment in new technologies, education, skills and infrastructure and the process of digitalisation demands active research, skills and adaptive capabilities which might be problematic for the developing countries.<sup>23</sup>

Also, due to inter and intra-national availability of the technology, the states are facing issues relating to extra-territorial jurisdiction while handling the digital platforms, e.g., the applications installed in phones are being used by individuals across the world; they operate outside the jurisdiction of a single country which make them non-accountable in most of the countries.<sup>24</sup>

There are new platforms and channels for the people to communicate, to access wide range of information and to exercise their rights, but it also has featured challenges associated with increased use of new digital channels e.g., issues of malicious cyber activities, mis-use of information, online surveillance, data privacy, etc., which are posing great hardship to the exercise of human rights in the digital age<sup>25</sup>.

Online resources are being used to mobilise individuals, to address human right issues, and, to

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Saima Khan & Dr. Shazia Khan, *supra* note 3.

<sup>24</sup> Mark Gibney, Gamze Erdem Türkelli, *The Routledge Handbook on Extraterritorial Human Rights Obligations*, 77-92 (Routledge Taylor & Francis Group, London and New York, 2022).

<sup>25</sup> Digital age – A period within which information telecommunication technologies (ICTs) have led to an increasing ability to generate and transfer information and a shift towards economies and societies that are underpinned by ICT-enabled activities.

spread knowledge about the technological tools to enhance web security.<sup>26</sup> However, the information may be re-purposed and mis-used by the state and non-state actors for illegitimate purposes like surveillance, profiling to make business strategies, etc. The same may create various challenges and may increase vulnerabilities for free exercise of human rights.<sup>27</sup> Issue of mass surveillance by the state and non-state actors cannot be neglected. Increased capacity of surveillance due to digital resources resulted in weakening of encryption and other privacy measures.

Increased access to the online platforms also resulted into mis-use of the personal information of the individuals which is shared or stored online by them while accessing an information or availing a service. There are a number of cases in which the personal data of the users are misused or leaked on public platforms. The online frauds and other criminal activities on the web are also increased in the last few years. Exploitation of digital spaces for targeted online harms have impacted the free flow of information on the web. The increased potential of digital platforms to grasp data and to generate data-driven insights for commercial, political, or other advantages has increased the risk of privacy violations. The collection, storage and analysis of the personal data of the people are adding up the risks associated with privacy.<sup>28</sup>

#### IV. DIGITALISATION: IMPACT ON HUMAN RIGHTS

Human rights are often called the basic fundamental rights which ensure the personal freedom and human dignity of an individual.<sup>29</sup> The states have responsibility to protect, safeguard, and promote human rights and other freedoms of the individuals. At international level, the Universal Declaration of Human Rights, 1948, the International Covenant on Civil and Political Rights, 1966, the International Covenant on Economic, Social and Cultural Rights, 1966, first and second Optional Protocol to the International Covenant on Civil and Political Rights of 1976 and 1991 are the primary documents dealing about the human rights of the individuals. In India, Part III of the Constitution of India prescribes several human rights like, right to equality<sup>30</sup>, right to personal freedoms<sup>31</sup>, right to life and personal liberty<sup>32</sup>, right to education<sup>33</sup>, prohibition against human trafficking<sup>34</sup>, right to freedom of religion<sup>35</sup>, etc.

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<sup>26</sup> Rand Europe, [https://www.rand.org/pubs/research\\_reports/RRA1152-1.html](https://www.rand.org/pubs/research_reports/RRA1152-1.html) (last visited September 03, 2044).

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Elif Kiesow Cortez, *Data Protection Around the World Privacy Laws in Action*, T.M.C. Asser Press, (2021).

<sup>30</sup> India Const. art. 14.

<sup>31</sup> India Const. art. 19.

<sup>32</sup> India Const. art. 21.

<sup>33</sup> India Const. art. 21.

<sup>34</sup> India Const. art. 23.

<sup>35</sup> India Const. art. 25.

Human rights are essential in all spheres of our life, be it offline or online. Technology is transforming way of interpretation and exercise of human rights in the digital space. There are some of the digital rights which are required to be ensured to the internet users by the online platform providers. These rights are also considered as fourth generation of human rights. The term ‘digital rights’ is used as an extension of human rights in the digital space. Therefore, it becomes necessary to analysis the impact of digitalisation on some of the human rights. In the following paras, an attempt has been made to analysis the impact of digitalisation on the application of certain human rights in the digital era.

**(i) Right to Privacy**

‘Privacy’ is a very wide term and comprises multiple dimensions. In simple terms, it is a positive right for preventing harms rather than providing redressal. It is a state of protection to the individuals against any arbitrary and unauthorised intrusion from state as well as non-state actors. Right to privacy is based on the notion that all individuals have right to liberty, to have autonomy and to live a dignified life. It is intrinsically tied with other human rights as well e.g., right to personal liberty, freedom of expression, freedom of association and assembly, right to equality, etc.<sup>36</sup>

The discussion on privacy is always centric to “reasonable expectation of privacy”. In *Katz v. United States*<sup>37</sup>, it was said that expectations are shaped by tradition, common social practices, technology, law, regulations, the formal and informal policies of organisations that are able to establish their own rules for the spaces that they control, and the physical and social context of any given situation.

Informational privacy is a facet of right to privacy. An encroachment to the right to privacy in an age of information can originate not only from the state but from non-state actors as well.<sup>38</sup> Technology has come up with new ways of collecting and handling information, communication, interaction, and transactions relating to individuals. The easy availability of personal data and big data are creating serious threats to right to privacy as it provides an insight of an individuals’ behaviour, preferences, and identity which though beneficial to the businesses but creates serious privacy concerns for the internet users.<sup>39</sup>

The factors affecting privacy are varied and may occur individually or collectively. Digitalisation has contributed to provide the means and methods to impact right to privacy of

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<sup>36</sup> Rand Europe, *supra* note 26.

<sup>37</sup> *Katz v. United States*, 389 U.S. 347(1967).

<sup>38</sup> *K. S. Puttaswamy v Union of India*, 2015 (8) SCALE 747.

<sup>39</sup> Rand Europe, *supra* note 26.

the individuals. It helps the accessibility of one's personal data through online data collection tools. The collection of personal data of the individuals may be lawful or unlawful. The authorisation to access and collect the information or data relating to a person makes the transaction lawful.<sup>40</sup>

The unlawful collection and processing of personal data has emerged privacy concerns to the individuals. The technology has helped the online service providers to have data collection tools which are having the potential to collect personal records of the internet users. In recent years, there are a number of cases where personal data of the people is revealed by the data collector<sup>41</sup> or hacked and leaked by intruders on the internet. The Pegasus spyware is a latest example of the same which was reported to be used in around 45 countries in a total secrecy and outside of any legal framework. This led to the need of introduction and implementation of safeguards for adequate protection of personal information and informational privacy of the people.<sup>42</sup>

The new devices and online platforms reduced the cost to preserve the content but, increased the risks of eavesdropping and collection of behavioural patterns and insights about the internet users. Digital surveillance is more invasive than the traditional surveillance as it has potential to monitor people's activities, associations, and other things more prominently. The digital platforms and the applications are not error proof. Absence of data protection laws also increase the level of digital surveillance by multiple state and non-state actors.<sup>43</sup>

There are several reasons behind privacy failures like failure to understand user's perspective about privacy behaviour, software release management failure, failure to provide users with effective control and feedback, poorly designed user interface, security failure, data breach, unethical use of technology, etc.<sup>44</sup>

As of now, the European Union has come up with economic policies like General Data Protection Regulation, 2016 (GDPR) that incentivise privacy and internet governance rather than surveillance. The GDPR is designed to provide the benefit of digitalisation to the companies and to the internet users as well by providing detailed regulations regarding personal data. It obliges the member states to allow the free movement of data while preserving the personal data of the citizens.

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<sup>40</sup> Alisdair A. Gillespie, *Cybercrime Key Issues and Debates* 75-98 (Routledge Taylor & Francis Group, London and New York, 2016).

<sup>41</sup> Data controller- A data controller is a person, company, or other body that determines the purpose and means of personal data processing.

<sup>42</sup> Elif Kiesow Cortez, *supra* note 29.

<sup>43</sup> Sangeeta Mahapatra, *Digital Surveillance and the Threat to Civil Liberties in India*, 3 GIGA (2021).

<sup>44</sup> Elif Kiesow Cortez, *supra* note 29.

(ii) ***Freedom of Speech and Expression***

Right to freedom of speech and expression is one of the essential political rights ensuring personal freedom of an individual. The right includes freedom to hold opinions, receive, transfer, and collect information and ideas through any source including internet. The free flow of information facilitated by internet can make the world cohesion. Undue restriction or abuse of the freedom of speech and expression violates other human rights, weakens the principles of democracy, and impairs the smooth functioning of a civil state.<sup>45</sup>

The right to speech and expression maintains the democratic principles by allowing the individuals to express their opinions on different social and political matters. The right ensures mental autonomy, reasonableness, consciousness of an individual by allowing individuals to receive, impart, and, express their opinions and ideas freely.

The right is equally important in the digital environment as well. The effectual enjoyment of right to speech and expression assumes free and equal access of resources through offline as well online mediums. Undoubtedly, digital world has opened new doors for speech and expression while reducing the jurisdictional obstacles in communication. Digitalisation has provided an additional medium to the people to exercise their right to form opinion and express the same openly. With more people sharing their experiences and ideas online, the essential democratic right of speech and expression surpasses geographical boundaries.

The people are able to make an informed opinion due to easy access of the information and knowledge though online medium. As the digital space is free from territorial boundaries, the same has encouraged widespread dissemination of content, ideas, and participation of different people.<sup>46</sup> The open access, transparency, and expression of opinion facilitate towards making of an open and pluralistic space.<sup>47</sup>

However, digitalisation has also created risks with free exercise of right to speech and expression. The businesses and states are employing various filters, internet shutdowns and other tactics in order to control the flow of information and limit free flow of information. The restricted access to information through digital mediums and the availability of compromised platforms impact the free exercise of right to speech and expression of the internet users.<sup>48</sup>

No doubt. digitalisation has made a positive impact on the exercise of right to speech and

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<sup>45</sup> Jerzy Menkes, *Freedom of Speech in the age of Digitalisation Opportunities and Threats* (Routledge Taylor & Francis Group, London and New York, 2022).

<sup>46</sup> Rand Europe, *supra* note 26.

<sup>47</sup> *Id.*

<sup>48</sup> Daniil Filipenco, *supra* note 10.

expression but, we cannot oversight the issues of online threats and other bad practices also.<sup>49</sup> Dissemination of harmful online content, dis-information, hate speech<sup>50</sup> and national security concerns are few reasons which prompted the states to adopt and implement proportionate and necessary measures for monitoring, filtering, removing and blocking the abusive and harmful online content.

There is negative obligation upon the state not to interfere free exercise of the human rights and also positive obligation to facilitate its exercise through necessary resources and regulatory regime. Considering the multiplied effects of ill handling of information through online platforms, necessary safety measures are required to foster development of a safe cyber-space and promotion of digital rights of the individuals. However, disproportionate and irrational measures like, automatic content removal, censorship and irrational decisions for the removal of online content can impede the free exercise of right to speech and expression.<sup>51</sup>

The right to speech and expression is required to be equally preserved in the digital world and there has to be effective measures to address the allied issues of hate speech, mis-information, etc. Lack of effective mechanism for redressal of complaints of the internet users also impede the free flow of the right. Therefore, regulatory measures taken by the state and non-state actors to regulate right to freedom of speech and expression need to qualify the twin test of legality, necessity and proportionality.<sup>52</sup>

**(iii) Equality in the access of information**

Right to participation is a sine-qua-non for democracy and for participation, the people need to have an open and secure access to different resources so that they may make informed decisions and take part in the functionality of the country. The easy and equal access of the information requires a system free from surveillance and censorship. The state and non-state actors are under responsibility to ensure equal access of information while eliminating the associated cyber threats.<sup>53</sup>

Digital equality or parity in access to online resources is relatively lesser in developing countries than that of the developed countries. Digital revolution is purely dependent upon the availability of internet and easy access to digital space. Equal access of the digital space is also essential to

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<sup>49</sup> Elif Kiesow Cortez, *supra* note 29.

<sup>50</sup> Hate speech- all forms of expression that disseminate, incite, promote or justify acts of intolerance or aggression against a group of people on the basis of their national, ethnic or other forms of identity.

<sup>51</sup> Rand Europe, *supra* note 26.

<sup>52</sup> Ohchr, <https://www.ohchr.org/en/statements/2022/04/human-rights-and-democracy-digital-age> (last visited August 22, 2024).

<sup>53</sup> *Id.*

the exercise of right to speech and expression. People should be able to access the internet freely regardless of their sex, income, geographical area, etc.<sup>54</sup>

The issues of cyber stalking, revenge porn, targeted violence, etc., through the web against women and children restrict their open participation in the digital world. The internet service providers are also not taking their responsibility to provide safeguards and control mechanism to protect human rights of the affected individuals. The instances of occurrence of hate speech, cyber bullying, etc., through the digital platforms poses an obligation upon the online service providers to incorporate policies to mitigate the chances of abuse of the human rights. There is need to not only address these instances of discrimination but also, to fill deficiencies in legal and political perspective. The state should allow and regulate access to information in a secure and transparent manner so that the fruits of digitalisation can be attained by all without any disparity.<sup>55</sup>

**(iv) Right to Education**

A society cannot achieve its full potential unless the citizens do not reach to their maximum intellectual. Right to education is a basic human right which ensures that no person should be denied opportunities to attain education. Right to education ensures quality education in religious, philosophical and morality through good institutions.

In recent years, new digital platforms are being introduced in the area of education. The use of technology in education helped to facilitate access to education through e-learning. The technology has opened new gates of knowledge to many people. Although, the technology has widened the reach of education but, the chances of spread of wrong or mis-information cannot be evaded. The international cyber space is unregulated and so there is imminent danger of commercialisation and mis-information on the web. The unregulated cyber space may negatively affect the quality of education as well.<sup>56</sup>

**(v) Right to Health**

Health has been marked as a basic human right by the World Health Organisation. Right to health and clinical consideration is an important part of the Right to Life and Personal Liberty.<sup>57</sup> It should be bestowed upon all individuals without any discrimination. The state is expected to establish the standards and mediums to provide right to health to the individuals.

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<sup>54</sup> Mark Gibney, *supra* note 24.

<sup>55</sup> *Id.*

<sup>56</sup> Rand Europe, *supra* note 26.

<sup>57</sup> State Of Punjab & Others vs. Mohinder Singh Chawla, *AIR 1997 SC 1225*.

The technology has introduced new and innovative ways for strengthening healthcare sector like e-health schemes, comprised health cards, health crisis management tools, etc. Now, a person can simply connect to a doctor or hospital for attaining medical advice and guidance via digital mediums. Access to relevant information provides better opportunities to enjoy existent healthcare services.

Digitalisation has simplified the process to attain medical help anywhere at a simple click however, the chances of mis-information spread on the digital platforms cannot be negated, e.g., COVID 19 pandemic has highlighted the impact of mis-information regarding the disease and unsubstantial treatments for the same spread through digital platforms on public health.<sup>58</sup> As health is an integral part of the human life therefore, any mis-information and availability of compromised online platforms may impact the free exercise of right to health and other human rights also.

**(vi) Protection of Children**

The negative effects of digitalisation on the health of the children cannot be defeated. There is high risk of abusive and harmful content on the internet which has resulted in child sexual exploitation, child pornography, cyber harassment, cyber bullying, cyber stalking and sexual solicitation of the children. These practices are detrimental to the health of the children. The cyber harassment and cyber bullying create threat of violence and invasion of privacy of the children. The offense of cyber harassment exacerbates the damage suffered by a victim due to extended and longer lifetime of information and greater accessibility of the same on the internet. It is an individualised negative behaviour where someone deliberately acts in a hostile or aggressive manner with the intent of intimidating the victim. This may comprise flaming (the posting of provocative or abusive posts), malware (the deliberate sending of a virus or other software in an attempt to cause damage to a computer or otherwise; or signing up to a spam, etc., so that their email system is clogged up), outing (the posting or misuse of personal information). The cyber space has the potential to increase the chances of sexual solicitation of children as the online platforms give direct access to the abuser to impede the privacy of a child.<sup>59</sup>

In this regard, the states are required to address the two-fold requirement of protecting the children on the digital space and simultaneously, providing safe access to the e-resources to the children without any hindrance. Also, the issues relating to child pornography, morphed images,

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<sup>58</sup> Sangeeta Mahapatra, *supra* note 43.

<sup>59</sup> Alisdair A. Gillespie, *supra* note 40.

cyber bullying, explosive messages and/ or videos at different digital platforms are required to be addressed within time to provide safe access of the digital resources to the children.<sup>60</sup>

## **V. CONCLUSION**

Digitalisation provides new and advanced opportunities to access and preserve the information. It also makes a vast level of information open and easily accessible to all. However, while addressing the positive impacts of digitalisation on the society, it becomes equally important to recognize the disruptive impact of various digital technologies in order to effectively safeguard various human rights which are required to be protected in digital space as well. The protection of human rights on the web is at risk due to the increased challenges, highlighting the importance of establishing robust legislative frameworks, reinforcing international human rights principles, addressing the digital divide, and enhancing access to data and technology.

The states need to ensure capacity building which involves using a range of methods to develop and combine the relevant skills and knowledge of distinct organizations and individuals in a specific field, in order to increase awareness of the issue, safeguard them, and gain a deeper understanding of the human rights greatly affected by digital technologies.

Human rights help to establish the basic objectives, responsibilities, and potential harms in a comprehensive manner therefore, new and emerging technologies are required to be guided by human right principles. It is essential to utilize full potential of the human rights by introducing legal and institutional framework which can harness the advantages of a digital future for everyone and also mitigate its negative outcomes. This entails examining how human rights can support regulatory endeavours related to the creation and utilization of technology mediums, as well as the impact on the behaviour and accountability of tech companies, which significantly influence our societies. While formulating digital policies, the states need to consider how the said policies may impact the human rights to ensure that the digital revolution remains focused on humanity and the preservation of human rights. The wider range of the web needs to be protected and safeguarded in order to protect the rights of the individuals in the digital space. A critical challenge in this regard is the need for international coordination due to the proliferation of technology initiatives in recent years, which are often without adequate consideration of implication upon the human rights.

There is a need for more extensive enforcement, including a cross-sectoral approach, to safeguard human rights on the internet. There is need to incorporate a balanced approach

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<sup>60</sup> Tehseen S. Poonawalla v Union of India and Others, (2018) 9 SCC 501.

towards associated dangers and the economic opportunities provided by the digital resources. Therefore, there is an acute need to make a middle path to enjoy the economic opportunities provided by the digital space while not compromising the status of human rights.

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