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# ЮРИСТ АХБОРОТНОМАСИ

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# ЮРИСТ АХБОРОТНОМАСИ ВЕСТНИК ЮРИСТА LAWYER HERALD

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## TRENDS IN THE DEVELOPMENT OF DIGITAL HUMAN RIGHTS

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### ANNOTATION

This article has explored the pressing challenge of upholding human rights principles in the digital age. It analyzed issues around access to technology, privacy and data governance, freedom of expression online, protections for marginalized groups, emerging technological threats, and policy frameworks from local to global levels aimed at securing rights in the context of cyberspace and a datafied society. Several overarching themes emerge across these topics. Initially, it is posited that extant human rights persist in pertinence within the digital milieu, albeit necessitating nuanced adaptation to emergent contexts via evolving governance mechanisms. Subsequently, policies grounded in empirical evidence, strategically designed to optimize empowerment and concurrently alleviate deleterious consequences, have demonstrated efficacy in addressing the manifold opportunities and risks entailed by technological advancements. Lastly, an examination is undertaken to scrutinize the experiential dynamics of harmonizing multi-stakeholder collaboration with the realization of rights-centric digital trajectories and control mechanisms.

**Keywords:** Digital Human Rights, Online Privacy, Freedom of Expression, Data Protection, Cybersecurity, Internet Access, Digital Literacy, Government Surveillance, Online Censorship, International Collaboration, Legal Frameworks, Digital Inclusion, Transparency, Civil Society Engagement, E-Government Services.

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## РАҚАМЛИ ИНСОН ҲУҚУҚЛАРИНИ РИВОЖЛАНТИРИШ ТЕНДЕНЦИЯЛАРИ

### АННОТАЦИЯ

Ушбу мақола рақамли асрда инсон ҳуқуқлари тамойилларини қўллаб-қувватлашнинг

долзарб муаммосини ўрганиб чиқди. Мақолада технологияга кириш, махфийлик ва маълумотларни бошқариш, онлайн сўз эркинлиги, чекка гуруҳларни ҳимоя қилиш, пайдо бўлаётган технологик таҳдидлар ҳамда кибермакон ва маълумотларга асосланган жамият контекстида ҳуқуқларни таъминлашга қаратилган маҳаллийдан глобал даражагача бўлган ҳуқуқий масалалар таҳлил қилинди. Биринчидан, мавжуд инсон ҳуқуқлари рақамли муҳитда доимий долзарблигини сақлаб қолиши, лекин ривожланаётган бошқарув орқали янги контекстларга қайта ўтиши асослантирилди. Иккинчидан, технологиялар келтириб чиқарадиган кўп қиррали имкониятлар ва хавф-хатарлар зарарни юмшатиш билан бирга ваколатларни максимал даражада оширишга қаратилган далилларга асосланган сиёсат ишботланди. Учинчидан, ҳуқуқларга асосланган рақамли фючерслар ва назорат билан кўп манфаатдор томонларнинг ҳамкорлигини мувозанатлаш тажрибаси ўрганилди.

**Калит сўзлар:** Рақамли инсон ҳуқуқлари, онлайн махфийлик, сўз эркинлиги, маълумотларни ҳимоя қилиш, киберхавфсизлик, интернетга кириш, рақамли саводхонлик, ҳукумат назорати, онлайн цензура, халқаро ҳамкорлик, ҳуқуқий асослар, рақамли инклюзия, ошкоралик, фуқаролик жамияти иштироки, электрон ҳукумат хизматлари.

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## ТЕНДЕНЦИИ РАЗВИТИЯ ЦИФРОВЫХ ПРАВ ЧЕЛОВЕКА

### АННОТАЦИЯ

В этой статье исследуется насущная проблема соблюдения принципов прав человека в эпоху цифровых технологий. В ходе исследования были проанализированы вопросы, связанные с доступом к технологиям, конфиденциальностью и управлением данными, свободой выражения мнений в Интернете, защитой маргинализированных групп, возникающими технологическими угрозами и политическими рамками от местного до глобального уровня, направленными на обеспечение прав в контексте киберпространства и общества, насыщенного данными. В этих вопросах возникают всеобъемлющие темы. Первоначально предполагалось, что существующие права человека сохраняют свою актуальность в цифровой среде, хотя и требуют тонкой адаптации к возникающим аспектам, посредством развития механизмов управления. Впоследствии политика, основанная на эмпирических данных и стратегически разработанная для оптимизации расширения прав и одновременного смягчения пагубных последствий, продемонстрировала эффективность в устранении многочисленных возможностей и рисков, связанных с технологическим прогрессом. Наконец, проводится исследование для тщательного изучения экспериментальной динамики гармонизации многостороннего сотрудничества с реализацией ориентированных на права человека цифровых траекторий и механизмов контроля.

**Ключевые слова:** цифровые права человека, конфиденциальность в Интернете, свобода выражения мнений, защита данных, кибербезопасность, доступ в Интернет, цифровая грамотность, государственный надзор, онлайн-цензура, международное сотрудничество, правовые рамки, цифровая инклюзивность, прозрачность, участие гражданского общества, услуги электронного правительства.



Cyberspace refers to the virtual computer world that exists through the interconnectivity of computer networks and the infrastructure that supports them. It is generally conceived as a space for mediated communication between individuals and groups across digital networks like the Internet. Key components include the information systems and infrastructure that facilitate online interactions, the communities and relationships formed through computer networks, as well as the shared content and culture created within cyberspace. There are varying perspectives on whether cyberspace constitutes a distinct realm separate from physical reality or an extension of it. Overall, cyberspace can be understood as a complex environment enabled by information and communication technologies, with both virtual and physical dimensions, that facilitates new forms of social experience, information exchange, and economic activity.

In practice, cyberspace encompasses everything from email and social media platforms to e-commerce sites and massive multiplayer online games. It is an evolving space that has become deeply embedded into many aspects of contemporary life. The continuing integration of digital networks into basic infrastructure, and the proliferation of networked devices, is expanding the scope and reach of cyberspace [1, P.15].

Some theorists conceive of cyberspace as a new frontier where users can engage in limitless possibility for experimentation, self-expression, and transcendence of embodied constraints [2, P.35]. However, others argue that human experience remains fundamentally embodied and socially-situated even when mediated through technology [3, P.11]. Cyberspace may be seen more as an amplification of existing forces and structures rather than something inherently detached from the material world.

There are diverse intellectual perspectives that offer different interpretations of what cyberspace is and how it should be understood. Early conceptions in the 1980s and 90s viewed cyberspace as a new frontier or distinct virtual reality detached from physical constraints. Critics argued this failed to account for how embodied human experience shapes online interactions. Alternatively, some scholars adopted a postmodern lens, seeing cyberspace as lacking coherent identity or boundaries. Feminist theorists examined gender and power dynamics in online spaces. Other perspectives focused on the Internet's role in transcending traditional institutions and hierarchies.

In the 2000s, increased scholarly attention centered on the Internet's sociocultural implications. This included studying online communities, digital divides in access and participation, as well as questions around law, ethics and governance in cyberspace. Constructionist views also emerged that understood cyberspace as collectively produced through the shared meanings and digital artifacts created by users [4, P.41]. Overall, competing interpretations highlight the multifaceted nature of cyberspace and the need for interdisciplinary analysis.

Some scholars have attempted to categorize the diversity of intellectual perspectives on cyberspace into several overarching frameworks or discourses [5, P.4]. For instance, Vincent Mosco (2004) identified four key discourses on cyberspace: the democratic, spiritual, commercial and surveillance perspectives. Analyzing how different discourses ascribe particular values, assumptions and visions onto technology and cyberspace can help unpack the complex theoretical terrain in this area.

Ongoing advances in areas like artificial intelligence, augmented and virtual reality, Internet of Things, biometrics, robotics, blockchain, quantum computing and nanotechnology raise complex opportunities and challenges around upholding human rights in the digital age [6, P.96].

Key concerns involve issues of transparency, accountability, privacy, algorithmic bias, surveillance, automation impacting livelihoods, digital inequality across groups, and threats of misuse by authoritarian regimes. But innovations also enable rights in new ways, improving access, civic participation, creativity, knowledge and social bonds. Navigating this tension requires evidence-based governance approaches assessing risks and benefits.

Multi-disciplinary foresight research can help anticipate and steer technology trajectories towards rights-respecting outcomes through analysis of alternative scenarios [7, P.81]. Proactive technology assessment and oversight mechanisms before deployment are also vital, learning from past governance failures around privacy and platform transparency. However, funding for foresight studies focused on digital rights implications remains limited, as most technology

research centers on technical performance rather than social impacts. Public interest research agendas must be strengthened to inform wise governance.

While rapidly advancing technologies provide tools to enhance rights, they also pose novel threats that require vigilance. For instance, facial recognition enables oppressive surveillance and social scoring systems violating privacy (Access Now, 2018). Algorithmic decision-making entrenches bias and erodes human agency. Micro-targeting online facilitates manipulation and polarization. Automation may disrupt livelihoods and widen inequality.

Even decentralized architectures like blockchain pose risks around immutable records undermining privacy rights such as the right to be forgotten. New forms of digital coercion, exploitation and information control empowered by advancing technologies could undermine rights in subtle ways. Ongoing horizon scanning by scholars, advocates and policymakers is imperative to recognize and mitigate emerging threats through appropriate governance.

Rights groups emphasize the problem of “function creep” where technologies are deployed for legitimate purposes but slowly stretched to more troubling uses without accountability, as occurred in many government surveillance systems [8, P.9]. Strict safeguards against expansive application are vital for potentially dangerous technologies, even if initial uses seem reasonable.

Alongside risks, emerging technologies also offer opportunities to strengthen rights through intentional design choices and innovation tailored to public interest. For example, privacy-enhancing computation techniques like homomorphic encryption, differential privacy and federated learning allow useful data analysis while preserving confidentiality (UNESCO, 2021). Decentralized architectures can shift control away from central intermediaries back towards users. Accessibility technologies expand digital inclusion for marginalized groups.

Rights-based design principles such as those proposed in the Toronto Declaration on machine learning systems provide comprehensive guidance for technologists and policymakers (Amnesty International, 2018). Supporting public interest technology projects and digital commons models is also key. Overall, realizing the benefits of technology for empowerment and social progress necessitates democratizing innovation systems.

However, barriers around intellectual property restrictions, lack of funding and incentives for social impact innovations inhibit these alternatives currently. Public investments, innovation prizes, reforming patent regimes and decentralizing control over technical standards could better align technology development with public values (United Nations, 2021).

The complex challenges of governing societal impacts of rapidly evolving technologies underscore the need for inclusive decision-making processes engaging diverse perspectives. Multistakeholder participation through national ethics councils, global deliberative forums and consensus conferences enable constructive dialogue on balancing rights, risks and opportunities [9, P.41].

Key considerations for legitimate participation include setting clear mandates, selection criteria for representatives, publishing outcomes, and pathways to formal policy influence. Iterative engagement allows mutual learning over time. Combining participatory deliberation with institutional authority and scientific evidence provides a robust model for democratically guided technology governance.

However, power imbalances between government, corporations and civil society actors can skew deliberative forums towards particular interests if not mitigated through fair representation structures. Furthermore, participatory processes themselves demand significant resources and time to undertake meaningfully. Sustaining engagement and bridging talk with action remain ongoing challenges.

The state of digital rights law remains in flux as litigation and jurisprudence advance around emerging issues faster than legislation. As courts issue rulings on cases, legal standards get clarified in areas like online speech, privacy protections, surveillance and platform liability. For instance, the ‘right to be forgotten’ emerged through European court judgments on delinking personal data.

Rights advocates target strategic litigation to drive progressive interpretations and precedent [10, P.88]. Case law can adapt more nimbly to new technologies than statutes. However, judges vary in digital literacy. Litigation is slow and costly. Statutory reforms ultimately need updating to consolidate advances. Despite limitations, digital rights jurisprudence constitutes an evolving



battlefield shaping norms.

Successes like Europe's right to be forgotten cases demonstrate strategic litigation's potential. But bringing test cases around digital rights globally requires expanding legal aid funding for public interest complaints. Furthermore, translating isolated court victories into lasting policy change necessitates mobilized activism and parliamentary action. An integrated advocacy approach combining court strategies, research and organizing is ideal.

Dominant technology business models based on pervasive data extraction and engagement maximization are fundamentally misaligned with human rights priorities. However, alternative models better linking business goals with user protections are emerging, from platforms enabling data portability to cooperatively owned data trusts advancing consent-based research in the public interest [11, P.3]. Crypto-economic systems leveraging blockchain incentives also facilitate new user-centered models.

As public scrutiny grows, firms increasingly engage in rights impact assessment and disclosure around areas like algorithmic accountability and content moderation. But beyond voluntary measures, binding regulation may be necessary to compel tech companies away from zero-sum business logics towards genuine service of public interest [12, P.81]. Shared prosperity in the digital age ultimately requires economic logic reform.

Advocates emphasize that lasting change requires not just individual company initiatives but structural reforms to market incentives, corporate ownership models and mechanisms of accountability (Public Citizen, 2020). Achieving an ethical digital economy necessitates reimagining institutions, not just firm practices.

While often considered separately, upholding human rights in the digital age is deeply interlinked with pursuing equitable and sustainable development. For instance, enhancing digital inclusion through skills programs and affordable Internet access promotes multiple development goals around health, education, gender equality and economic growth [13, P.23]. Protecting privacy reinforces social protections and prevents exclusion. Fostering participatory digital governance helps build accountable institutions.

Rights-based technology regulation also enables precaution around long-term risks of automation, inequality and dependence on opaque systems. Overall, the aim of developing rights-respecting technologies should serve public interest goals of just, sustainable societies rather than drive extraneous commercial imperatives. Global development policy must recognize this linkage.

Experts recommend formally integrating digital rights into the UN Sustainable Development Goals framework during its 2025 review as a key pillar of equitable progress [14, P.121]. Furthermore, development funding should prioritize community-based tech innovations enhancing rights and justice. Connecting top-down and bottom-up efforts remains vital.

Geopolitical conflicts increasingly play out online, with digital rights emerging as a contested space between competing state powers and ideological systems. Rights advocates warn of splintering global Internet governance as regimes deviate into nationalist control of networks and weaponization of tech companies, undermining openness and liberty. Developments like China's social scoring system and Russia's sovereign Internet law signify concerning trends of digital authoritarianism [15, P.11].

However, democratic coalitions are also evolving, seen through Europe's stances on data protection and emerging networks like the Freedom Online Coalition and D10 group of leading democracies. Navigating these complex dynamics to uphold rights requires principled multi-stakeholder solidarity, empowering users globally, and steering technology trajectories away from repression.

While digital repression should be condemned, advocates argue that moral panics over foreign interference can also be leveraged for disproportionate censorship domestically (Article 19, 2019). Principled responses require consistent defense of rights universally rather than politicized tropes of authoritarianism.

The coming decades promise escalating struggles between forces seeking to empower and those aiming to control individuals through emerging digital technologies. But the ultimate

trajectory depends on choice, not destiny [16, P.31]. Constructing more just futures requires sustaining hope, enacting wise regulation now, innovating through public interest technology, building progressive social movements, entrenching human rights as the cornerstone for governance, insisting on the dignity of the vulnerable, and never forfeiting liberties for illusory security.

Despite persistent inequalities and failures of justice today, struggles for rights in past eras from abolition to women's suffrage show the arc of history can bend towards progress through moral conviction combined with pragmatic action. Realizing the emancipatory potential of the digital age remains in our hands. But this great task compels all who believe in freedom to become active stewards of digital rights for the generations to come. The future remains unwritten – we must have the courage to write it.

Looking back from 2050, the trajectory of digital rights could follow very different pathways based on collective choices made today (UNESCO, 2021). Globally connected social movements mobilizing around human rights values and inclusive innovation ecosystems developing rights-based technologies provide grounds for hope. But expanding authoritarian controls remains an ever-present danger if democratic societies fail to strengthen rights protections and put ethics before expediency. Our era represents a pivotal historical juncture, one whose outcome depends on moral courage.

While challenges persist, inspiring initiatives highlighted in this chapter from civil society advocacy to public interest technologists demonstrate pathways for progress. But vigilant research, mobilization and policy innovation remain imperative as the scale of sociotechnical transformation only accelerates in the years ahead.

A consistent emphasis throughout this analysis involves understanding digital rights as fundamentally intertwined with established human rights principles rather than as wholly separate norms. Core civil, political, economic, social and cultural rights codified in international frameworks translate across historical eras regardless of the particular technologies involved. The right to privacy, for instance, retains meaning from personal correspondence to digital records.

However, the unprecedented scale, opacity and complexity of data processing in the digital age poses novel threats to rights like privacy that legal doctrines and institutions founded for earlier eras may insufficiently address. Updated interpretations, oversight capacities and enforcement tools attuned to present-day technologies are vital to withstand these challenges. In essence, digital rights advocacy involves both extending existing human rights and crafting new safeguards suited to current realities.

To advance and protect digital human rights in Uzbekistan, a robust legal framework is imperative, incorporating key principles into constitutional and legislative documents. The Constitution should explicitly acknowledge and defend digital rights such as privacy, freedom of expression, and access to information. Specific legal acts should be introduced to govern privacy and data protection, delineating precise guidelines for the collection and processing of personal data, with the creation of a Data Protection Authority for enforcement.

Legislative provisions must explicitly safeguard freedom of expression in the digital space. Cybersecurity measures, guided by legal acts, should prioritize human rights, ensuring protection against unauthorized surveillance. Educational legal acts should mandate the integration of digital literacy programs into the national curriculum. Policies backed by legal acts should guarantee equal access to the internet for all citizens. Legal safeguards and transparent legal acts should govern government surveillance practices. Legal provisions should facilitate the active involvement of civil society organizations in the formulation and review of digital rights policies. Moreover, legal acts should endorse international collaboration, with Uzbekistan participating in global forums and considering the ratification of international agreements to fortify human rights in the digital age.

In conclusion, the dynamic landscape of digital human rights reveals a multifaceted evolution marked by key trends and challenges. The ongoing advancements in online privacy, the recalibration of freedom of expression, and the establishment of robust data protection

frameworks underscore the need for a delicate balance between security imperatives and the preservation of individual rights. As the digital sphere continues to expand, ensuring universal internet access, promoting digital literacy, and addressing the complexities of government surveillance and online censorship are pivotal. The collaborative efforts on the international stage, coupled with the formulation of adaptive legal frameworks, are instrumental in upholding human rights in this ever-evolving digital era. Additionally, the active engagement of civil society remains a cornerstone in shaping policies that navigate the intricate intersection of technology and fundamental freedoms. The trajectory of digital human rights is a dynamic journey, one that demands ongoing vigilance, adaptability, and global cooperation to foster a digital landscape that respects and preserves the rights of individuals.

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