Digital rights and principles

As digital tools and services are now integral to daily life, the protection of human rights in the digital context has become a top priority, and international organisations are stepping-up their efforts to that end. One EU contribution has been the adoption of the European Declaration on Digital Rights and Principles.

Introduction

People's work, learning environment, communication, administrative procedures, free time and business transactions are increasingly governed by digital tools and services. The COVID-19 pandemic accelerated this process, and Russia's war on Ukraine has revealed both people's dependency on digital tools and the tools' fragility. The ubiquitous use of digital tools and services has sharpened people's awareness of digital rights and made the protection of those rights a top priority. The same is true of adequate regulation. Digital rights can mean two things. On the one hand, they can be about exercising human rights, such as freedom of expression, using digital tools. On the other, they imply the existence of a set of new rights, engendered by this new environment, such as access to the internet or human-centred artificial intelligence. This dual meaning is reflected in the efforts of international organisations and the EU to address the issue.

United Nations (UN) global digital compact

In June 2020, UN Secretary-General António Guterres proposed a [roadmap for digital cooperation](#) to connect, respect and protect the online world, as a basis for a [global digital compact](#), expected to be adopted in September 2024. The aim of the compact is to ensure safe and affordable access to the internet for all and outline principles for an open, free and secure digital future. The global digital compact would address connectivity, the prevention of internet fragmentation, free choice of how personal data are used, application of human rights online and development of a trustworthy internet, by introducing accountability criteria for discrimination and misleading content. It would also include promotion of artificial intelligence (AI) based on global values. [Children's rights](#) in the digital environment are of special concern for the UN's High Commissioner for Human Rights.

Council of Europe approach to digital rights

Looking at digital rights from the existing human rights perspective, the Council of Europe (CoE) has adopted a [guide to human rights for internet users](#). This explainer on the rights and freedoms guaranteed to internet users by the European Convention on Human Rights includes rights such as non-discrimination, freedom of expression and of assembly, privacy, protection of children, and the right to remedies. Principles that should apply to digital technologies in [electoral processes](#) were the subject of special focus in the CoE. The CoE is also exploring the global outlook for developing a [legal framework on artificial intelligence systems](#) based on its own human rights, democracy and rule of law standards.

OECD, G20 and G7 work

In 2019, the Organisation for Economic Co-operation and Development (OECD) issued values-based [principles](#) on trustworthy and innovative artificial intelligence, going beyond the traditional understanding of human rights, including the principle of human-centred values and fairness. The principles stipulated that AI systems should respect human rights and democratic values. The principles form a legal OECD instrument, to which its members must adhere. Similarly to other organisations, the OECD highlights the need for special attention to be paid to [children](#) in the online environment. This includes respect for fundamental values and human rights to protect children in the online environment, as well as new concepts, such as digital inclusion through digital literacy. OECD work on the protection of [privacy](#) as a condition for the free flow of personal data is addressing the application of human rights online directly.

The OECD AI principles served as the basis for the G20's work in this domain. That work resulted in a [declaration](#), published in August 2021. In addition to a human-centred approach to AI, the G20 declaration

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deals with protection of fundamental rights for consumers and children in the digital world, and with digital government, connectivity, innovation and sustainable digital transformation. In a similar vein, G7 ministers agreed in April 2021 to enhance online safety worldwide by adopting a declaration on internet safety principles, distinguishing between underpinning principles, such as fostering human rights online, and operational principles, such as child protection.

EU initiatives for a digital rights framework

In the EU, noticeable developments in the domain started in 2017, with the Tallinn Declaration on eGovernment. The 2020 Berlin Declaration on digital society and values-based government was based on the Tallinn Declaration. It also came in response to the COVID-19 pandemic, which caused an acceleration in the digital transformation. The aim was to bring about genuine digital empowerment of citizens – a digitalised world in which no-one is left behind. The declaration seeks to contribute to a digital transformation that is aligned with European fundamental rights and values, and the principles of: participation and digital inclusion; empowerment and digital literacy; trustworthy and secure public digital services; digital sovereignty and interoperability; human-centred systems; and a sustainable digital society. The 2021 Lisbon Declaration on digital democracy with a purpose sets out 13 principles, organised in three main areas: human rights; international cooperation; and sustainable transformation in the digital context.

The above-mentioned EU initiatives led to the signing, in December 2022, of the **European Declaration on Digital Rights and Principles**. It is the first such declaration dedicated entirely to the fundamental rights of EU citizens in the digital environment. Although not legally binding, it provides a framework for meeting the EU's digital decade targets and envisages regular assessment of the digital transition. The declaration also has an advocacy role, and is aimed at raising public awareness. The principles of the declaration are based on the EU Charter of Fundamental Rights and the EU Treaties, adapted to the digital environment. As such, the declaration promotes references to universal human rights and promotes digital rights worldwide, in the context of international organisations.

The declaration is structured around six chapters, which form a complete reference framework.

1. **Putting people at the centre of digital transformation**: EU rights and freedoms, as well as European values, should be upheld online, in the same way as they are offline.
2. **Solidarity and inclusion**: Digital transformation should work to the benefit of all EU citizens. This includes: affordable, high-speed and high-quality connectivity for all; empowerment of people through digital education and skills to bridge the digital divide; fair and just working conditions, in particular the use of digital tools at work; respect for workers' fundamental rights in the digital environment; a transparent, risk-based approach to AI in the workplace; and access to digital public services.
3. **Freedom of choice**: AI should work as a tool to increase human well-being and empower people to make their own informed choices. An adequate level of transparency about the use of algorithms and AI should ensure that technologies are not used to pre-empt people's choices or result in discrimination. Freedom of choice also refers to the use of services in a safe, secure and fair online environment, so that people are protected from illegal and harmful content.
4. **Participation in the digital public space**: There should be access to a diverse, trustworthy and multilingual online environment, reflecting European cultural and linguistic diversity. Freedom of expression is an important component of public debate and should be safeguarded against censorship.
5. **Safety, security and empowerment**: People and the products they use should be protected from cyber-attacks and data breaches. People should have control over their data online and be protected from unlawful tracking. Special attention should be paid to children and young people, who should be empowered to make safe and informed choices online.
6. **Sustainability**: The EU's goal is the environmentally and socially responsible design of digital services and products, with minimum social and environmental impact.

The declaration proposes principles to serve all citizens living in the EU as well as businesses and administrations. If it is to be effective, everyone must be aware of its existence, significance, and commit to shouldering their share of responsibility. Effective monitoring will therefore be important for the declaration's successful implementation. It remains to be seen how far-reaching its impact will be, and to what extent its principles will be applied in the international context.