

Human rights associations in the framework of the digital economy

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Abstract — The digital economy and digital technology have become an integral part of today's life, which, however, remains to be enforced. Digital human rights that have arisen with digital technology often require protection already now. To protect human rights, there are *human rights* non-governmental associations and organizations, which now see new areas of specialization and new tools to achieve their goals. The context of digital economy and digital technologies development in Russia is considered on the basis of the report by Freedom House. The authors analyzed examples of the activities of human rights associations in the development of the digital economy, highlighted the main types of their activities in the new conditions and types of human rights NGO's, highlighted the differences in the functions of traditional and new human rights associations.

Keywords — constitutional rights, digital rights, protection of digital rights, public associations, human rights non-governmental organizations, digital economy, cyberspace.

I. INTRODUCTION

Human rights organizations are one of the large groups of public associations that specializes in helping those whose rights have been violated. However, there is no unequivocal interpretation of the term "human rights organization". On the whole, it can be argued that these are organizations whose work is aimed at restoring human and civil rights, both in individual and general cases, at various territorial levels: from local to international.

We propose to consider public associations (organizations) as voluntary, self-governing, non-profit groups that are part of the civil society structure, created on the initiative of citizens or their associations, united on the basis of community to achieve socially useful goals mainly in the spiritual, cultural and political life of society [1].

The history of human rights movements dates back to the middle of the XIX century, with the creation of the International Committee of the Red Cross. The first human rights association in Russia is the Moscow Helsinki Group founded in 1976. However, we must not forget that human rights became a matter of concern much earlier, as part of the activities of public associations that do not have purely human rights functions.

II. RESEARCH METHODOLOGY

At the moment, there are several classifications of human rights organizations. For example, A. Yu.V. Pogorelsky proposes to distinguish two groups of organizations by the

direction of activity. The former carry out activities on the entire range of human rights issues, the latter – in a particular direction [2].

A. Yu. Sungurov proposes to distinguish the types of human rights organizations by the main subject and type of activity:

- Classical defence of human rights, i.e. protection "from below", assistance to particular people whose rights require restoration, is close to advocacy.
- Civilian control of power structures (law enforcement agencies, places of detention). Often an educational function is added to the control function.
- Civil participation in reforming and improving the efficiency of power (preparation of bills, training, participation in the work of state institutions) [3].

Of course, most organizations combine these forms and functions, therefore it would be more correct here to call the given qualification the functions of the activities of human rights organizations. In this sense, it will be used to review the practical activities of human rights associations in the framework of the digital economy.

More than two years have passed since the adoption of the Digital Economy of the Russian Federation program [4], and our country is on the path to active implementation of the goals laid down in the program to create the necessary conditions for the digital economy development. Digital data are recognized as a significant factor of production in all activities, which as a result increases the national competitiveness, ensures economic growth and affects the citizens' lifestyle. Among the objectives of the Program there is the creation of the digital economy ecosystem, which ensures the effective interaction of all participants in socio-economic activities and the removal of obstacles and restrictions for the creation and development of high-tech businesses.

Digital law is none the less important for the formation and development of the digital economy. The very concept of digital law can be viewed in its broad interpretation and using a confined approach. In our opinion, the concept of digital law should not be confined to electronic means of payment and electronic transactions, the meaning of this concept can be much broader, determining the ideological and methodological approach to legal research.

The importance of observing digital law as a set of specified fundamental rights of a person and a citizen in the context of the development of digital technologies is enshrined in several international legal instruments.

The Okinawa Charter of the Global Information Society, adopted by the G8 heads of state and government on July 22, 2000, states that all people should be able to take advantage of the global information society and freely exchange information and knowledge [5].

On December 18, 2013, the General Assembly of the United Nations adopted resolution A/RES/68/167 "The Right to Privacy in the Digital Age", which states that in the context of the global and open Internet and the rapid development of information and communication technologies, human rights, including the right to privacy must be protected both offline and online [6]. In the framework of this resolution, all states are called upon to respect and protect human rights in the context of digital communication and take actions to prevent violations of these rights.

Digital rights, which are part of general digital law, in turn, are a specification of universal human rights in the information society, which are guaranteed by international legal acts and the Constitution. Thus we will treat digital rights as "digitalized" universal human rights.

Thus, human rights organizations have a new subject of protection and a new way of exercising their functions. That is, on the one hand, they can participate in the protection of digital rights of citizens, exercise control over the activities of power structures in this regard, and on the other, use the tools of the digital economy and digital society to achieve their goals.

III. RESULTS OF THE RESEARCH

Let us consider the first version of the activities of human rights organizations – the protection of digital rights of citizens. For this, it is necessary to turn to research on the state of compliance with digital rights, which are carried out by many NGOs in Russia and abroad.

According to the Freedom of the Net report by Freedom House in 2018 [7], the general trend in all states is the strengthening of digital authoritarianism, i.e. enhancing control over the actions of citizens in the net and undermining confidence in the Internet. According to the organization's analysts, protecting Internet freedom from digital authoritarianism is important to protect democracy in general. Technology should give citizens a certain power to make their social, economic and political choices without pressure and manipulation. The Internet is becoming a new public arena and it is necessary that it serves the public good. An important point to preserve democracy is the protection of private rights of citizens and the reliable protection of personal information, then global freedom of the Internet will become an antidote to digital authoritarianism. A study of Internet freedom in 65 countries showed that this level has declined in more than half of the countries.

The report refers Russia to the group of non-free countries according to the following criteria: blocking messengers, blocking political content, arrests of bloggers and other citizens

for certain types of activity on the Internet. It is noted that the decline in the freedom level has been going on for six years. In recent years, work has been done to increase data sovereignty. So, the authorities banned VPN services allowing access to sites blocked on the territory of Russia, and introduced mandatory conditions for the identification of users of instant messengers using a mobile phone number. Under the anti-terrorism law, IT companies were obliged to store information about user activity for up to 6 months and provide access to it to FSB representatives.

The most noticeable case of restricting the digital rights of users was the blocking of Telegram messenger that refused to provide access to user data. However, the application developers managed to apply technologies to bypass blocking.

Over the past 10 years, the number of criminal cases related to online activity has increased to 1,449, 98% of them with verdicts of guilty. The most resonant of them were the cases of Dmitry Bogatov, Alexander Sokolov, Roman Grishin. In addition, high-profile cases were associated with insulting the feelings of believers, propaganda of non-traditional sexual relations [8]. According to a report by the human rights organization Agora, aggression against bloggers and online activists is on the rise. So, more than 60 citizens in 2017 became the object of threats and attacks, some more than once.

So, how do human rights organizations operate in this context?

On April 30, 2018, a rally was organized against the blocking of Telegram. Its organizers were the Libertarian Party and activists from the Internet Protection Society. The Libertarian party of Russia was established on April 15, 2008. The political platform of the party is based on the philosophy of libertarianism, which supposes that a person belongs only to oneself and the freedom to dispose of oneself and one's property if the methods of disposing do not harm other people and their property, while no one has the right to hinder a person in this activity [9]. The libertarians' program, supporters of the minimal state, organically fit the ideas of protection from, in their opinion, excessive state control over the Internet. The libertarian party is a traditional political party that has a much broader program, not limited to protecting digital rights.

The non-profit organization "Society for the Protection of the Internet" (OZI), the sponsor of the meeting on March 10 argues against the "censorship, over-regulation, administrative overreach" Among the projects of the society are the Internet repression map, the Internet Freedom Index, the connectedness index, which measures the connectivity of the Russian Internet segment with the outside world, in fact, its isolation [10]. Thus, OZI specializes in measuring the degree of freedom of the Internet and, through it, in the degree to which the digital rights of Russian citizens are respected, and makes efforts to protect them, including by holding mass actions.

We cannot not to say that the action directly affected the activities of the authorities in relation to blocking the messenger, the blocking did not bring any results – the messenger continues working. However, this action has become a large-scale (over 10 thousand participants) expression of dissatisfaction regarding the restriction of the rights of Internet

users. Apart from the action, mass appeals of Telegram users were sent to the European Court of Human Rights with claims for violation of the right to privacy [11].

Another important mass rally was one against the isolation of the Russian Internet on March 10, 2019 [12]. Officially, the goals of the rally were a demonstration of citizens' disagreement with the socio-political course of the government, in particular, with the bill on the "sovereign Internet" [13] (signed off by the president on May 01, 2019) and the growing censorship on the Internet. That is, in fact, it was about guaranteeing the right to freedom of thought and speech on the Internet, which was opposed to the strive of legislators to create protective measures to preserve an independent Internet space.

The organizers were the already mentioned Libertarian Party of Russia and OZI. Information support to the rally was provided by the public organization Roskomsvoboda. Its activities "are aimed at countering censorship on the Internet, as well as promoting the ideas of freedom of information and self-regulation of the Internet industry" [14]. Roskomsvoboda monitors legislative activity in Internet regulation, protects the rights of users and owners of blocked sites. The organization projects include many educational ones – the Center for Digital Rights, a platform for VPN services, conferences, and information security training materials. The organization campaigns are aimed both at protecting individual citizens, and at protecting certain rights, for example, copyright in the digital age and web services.

To protect the rights of citizens, Roskomsvoboda engages lawyers who are ready to provide free legal assistance to those users who are subjected to unlawful criminal or administrative prosecution for expressing opinions online, activities on social networks or other actions related to the use of cyberspace, as well as to users, website owners, bloggers and public page administrators in the event that government authorities make unlawful decisions to restrict access, to block a page or site and to declare information illegal. [15]

One of campaigns organized by Roskomsvoboda was the #FreeBogatov campaign in support of Dmitry Bogatov, who was detained for calls for riots published on a social network [16]. A lawyer of the organization participated in the defense of Bogatov, the organization itself disseminated information on the progress of the case and called on the public to support Dmitry. The Dmitry Bogatov case was dismissed for lack of corpus delicti [17]. The human rights society Memorial considers Dmitry Bogatov a political prisoner [18].

Roskomsvoboda also protects the interests of individual users who faced violation of their rights on the Internet. For example, an application was filed for two third-party users of the VKontakte social network to join the case of LLC "VKontakte" against LLC "DABL" because of the collection of personal data of users and violation of personal data protection rights [19].

The clients of the organization are also legal entities, for example, Private Networks, which disputes the illegal blocking of its technical sites. Currently, the case is at the stage of filing a cassation appeal with the Supreme Court of the Russian Federation [20]. Besides, the organization's lawyers provide

assistance to owners of blocked sites, and quite successfully. For example, the Oktyabrsky District Court of St. Petersburg recovered 150 thousand rubles from the prosecutor's office of the city of St. Petersburg in payment of costs incurred by the site owner seeking to cancel the decision to block his resource [21].

The Memorial International Society also opposes blocking oppositional sites in its statements, as blocking sites becomes a tool of censorship repression and a way to control the media: "we insist: oppositional Internet resources must be unblocked, and Roskomnadzor and the Prosecutor General's Office must stop harassing and blocking online media for posting information criticizing the authorities" [22].

Agora International Human Rights Group is also involved in such matters. The Smolninsky District Court of St. Petersburg received a lawsuit against the VKontakte social network to reimburse 100 thousand rubles for non-pecuniary damage for the disclosure of the user's personal information to law enforcement authorities. The plaintiff was Lilia Chanysheva, an employee of the headquarters of Alexei Navalny in Ufa, and lawyers – representatives of Agora International Group [23].

Agora lawyers are also actively engaged in the Telegram case. They have been participating in the case since filing an appeal with the Meshchansky District Court of Moscow. The organization's lawyers initiated an information technology study of the service, appealed to the UN Special Rapporteur on the right to freedom of speech, David Kaye, with a request to influence the situation around the messenger in Russia, supported the class action lawsuits in the Supreme Court of the Russian Federation and the European Court of Human Rights. On April 17, 2018, Agora International Group announced the kick-off of a hotline to help owners of sites, servers, data centers, online services faced with technical problems due to the activity of Roskomnadzor to block Telegram [24].

Another activity of human rights organizations in the context of the digital economy is the use of its tools to achieve their goals. We have already considered cases of online campaigns in support of a particular activity of organizations above. Of course, all human rights organizations use tools available to access their followers – Internet sites, channels and pages on social networks and instant messengers. These are effective tools for communicating with both new and traditional audience. However, there are special campaigns of human rights organizations that are organized via the Internet.

For instance, the Committee against Torture, whose main activities are: public investigation of complaints of torture, inhuman or degrading treatment; representation of the applicant in the investigating authorities and the court; assisting in obtaining compensation, as well as, if necessary, conducting medical rehabilitation measures [25], together with Meduza web paper and Zebra Hero creative agency, published the Russian Yoga School stories on torture and other types of unlawful violence representatives of authority. The stories contain videos featuring Russian media celebrities about the types of torture used. The result of its publication was a donation to the Committee against Torture from 815 donators in the amount of 450 thousand rubles, which will be used to pay

for treatment and rehabilitation, and to conduct the necessary examinations for victims of torture [26].

IV. DISCUSSION OF RESULTS

Thus, the Internet can be a tool for both protecting and violating the digital rights of citizens [27]. On the one hand, this is a great way to revive the platform of public discussion, agora, on the other, citizens are vulnerable to technological challenges and may face a violation of their constitutional rights, as they are influenced by two multidirectional processes: developing technologies that allow to manage information more broadly and freely, and restraining the development of technologies, which is necessary to ensure the national security of states.

Human rights NGOs fit seamlessly into the landscape of the digital economy. Traditional organizations that could exist even without the Internet, since their specialization is not related to digital rights, they do not require the use of special technologies (for example, the Libertarian Party of Russia, Memorial International Society, Agora International Human Rights Group, Committee against Torture) open new opportunities of Internet tools to attract new supporters and a new field of activity – protection of digital rights. New associations that specialize particularly in digital rights and new technologies (Internet Protection Society, Roskomsvoboda) could not have arisen outside the context of the digital economy.

V. CONCLUSIONS

The considered examples of the activities of human rights public associations in the context of the digital economy show that the range of their activities is quite wide. It includes: protection of the rights of citizens, including digital rights (the dissemination of information on the Internet, the dissemination of opposition opinions on the Internet, the disclosure of personal information, unlawful prosecution for the use of anonymous services), the protection of legal entities (mainly illegal blocking of resources), the use of the Internet to achieve own goals (educational activities, creative campaigns, public statements). It should be noted that both traditional and new associations are active in all indicated areas of activity, however, traditional organizations are more inclined to protect individuals. Moreover, new technologies are becoming an important subject of analysis, which allows us to draw conclusions about the state of digital rights, state control over the digital field, citizens' control over the role of the state in the digital field. All these topics are becoming an integral attribute of the modern digital world.

References

- [1] Shukhov F.G. Obshchestvennye ob'edineniya v Rossiyskoy Federatsii: pravovoe regulirovanie, ponyatie i klassifikatsiya // Gumanitarnaya planeta. – 2009. - №2. – S. 60.
- [2] Pogorel'skiy A.V. Mezhdunarodnoe pravozashchitnoe dvizhenie: istoriya i sovremennost'. Voronezh : Nauch. kn., 2009. – S. 112.
- [3] Sungurov A.Yu. Pravozashchitnye organizatsii i struktury v Rossii: sostoyaniye i perspektivy razvitiya // https://www.civisbook.ru/files/File/Sungurov_prav_org.pdf
- [4] Programma «Tsifrovaya ekonomika Rossiyskoy Federatsii»:
- [5] Okinavskaya khartiya Global'nogo informatsionnogo obshchestva // <http://www.kremlin.ru/supplement/3170>
- [6] Rezolyutsiya General'noy Assamblei Organizatsii ob'edinennykh natsiy A/RES/68/167 «Pravo na neprikosnovennost' lichnoy zhizni v tsifrovoy vek» // <https://undocs.org/ru/A/RES/68/167>
- [7] Freedom of the Net 2018 // <https://freedomhouse.org/report/freedom-net/freedom-net-2018/rise-digital-authoritarianism>
- [8] Russia Country Report // <https://freedomhouse.org/report/freedom-net/2018/russia>
- [9] Nashi printsipy - Libertarianskaya partiya Rossii // <http://libertarian-party.ru/nashi-printsipy/platforma-partii>
- [10] OZI - Obshchestvo Zashchity Interneta // <https://ozi-ru.org>
- [11] Pol'zovateli Telegram obratilis' v Strasburg // <https://www.vedomosti.ru/politics/articles/2018/04/12/766449-telegram-strasburg>; Bitva za Telegram perenositsya v Strasburg // <https://roskomsvoboda.org/47943/>
- [12] Miting protiv izolyatsii runeta // <https://freeru.net/>
- [13] Zakonoproekt № 608767-7 O vnesenii izmeneniy v nekotorye zakonodatel'nye akty Rossiyskoy Federatsii (v chasti obespecheniya bezopasnogo i ustoychivogo funktsionirovaniya seti «Internet» na territorii Rossiyskoy Federatsii) // <http://sozd.duma.gov.ru/bill/608767-7>
- [14] Roskomsvoboda // <https://roskomsvoboda.org/>
- [15] Poluchit' yuridicheskuyu pomoshch' // <https://roskomsvoboda.org/help/>
- [16] #FreeBogotov // <https://roskomsvoboda.org/27642/>
- [17] Matematik bol'she ne ekstremist // <https://www.kommersant.ru/doc/3630980>
- [18] Memorial schitaet matematika Bogatova politzaklyuchennym // <https://memohrc.org/ru/news/memorial-schitaet-matematika-bogatova-politzaklyuchennym>
- [19] A40-18827/2017 // <http://kad.arbitr.ru/Card/1f33e071-4a16-4bf9-ab17-4df80f6c1556>
- [20] Arbitrazhnyy sud ne udovletvoril zhalobu TgVPN na «rezinovuyu» blokirovku // <https://roskomsvoboda.org/45890/>
- [21] Yuristy RosKomSvobody vzyskali s piterskoy prokuratury 150 000 rubley // <https://roskomsvoboda.org/43227/>
- [22] "Memorial": prekratit' presledovaniya i blokirovki onlayn-media // <https://hro.org/node/26901>
- [23] Na «VKontakte» vperve podali v sud za sotrudnichestvo s pravookhranitelyami // <https://www.agora.legal/news/2018.10.31/Na-%C2%ABVKontakte%C2%BB-vperve-podali-v-sud-za-sotrudnichestvo-s-pravoohranitelnyami/833>
- [24] Delo Telegram // <https://agora.legal/cases/Internet/Delo-Telegram/204>
- [25] Komitet protiv pytok // <https://www.pytkam.net/ru/chem-my-zanimaemysya>
- [26] Itogi proekta «Russkaya shkola yogi». Komitetu protiv pytok pozhertvovali 450 tysyach rubley // <https://meduza.io/feature/2019/08/19/itogi-proekta-russkaya-shkola-yogi-komitetu-protiv-pytok-pozhertvovali-450-tysyach-rubley>
- [27] Piccone T. Democracy and Digital Technology // SUR. – 2018. - v.15 n.27.- P. 30.