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Human Rights Protection in the Context of Information Technology Development: Problems and Future Prospects

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Abstract: The study describes the aspects of human rights observance in the context of information technology. The relevance of the chosen topic is confirmed by the fact that today, the

protection of human rights and freedoms is under threat because they are subject to information influences. Against the backdrop of the merger of technology and social life, a pattern has been identified. The importance of modernising the way of thinking about human rights has become apparent. The study aims to examine innovative tools and mechanisms for protecting human rights from the negative impact of information technology, the current state of the problem, and its further development. This systematic review followed the PRISMA guidelines for a systematic analysis of scientific literature focused on human rights protection in the context of information technology development. The search was conducted in databases such as Scopus, Web of Science, Google Scholar, IEEE Xplore, and SpringerLink, among peer-reviewed publications from 2010 to 2024. Applying inclusion and exclusion criteria resulted in selecting the 47 most relevant publications for further analysis. The article examines the issues of adaptation and integration of the achievements of technocrats' progress. The highly specialised consequences of innovation activities are associated with several risks to fundamental human rights, have drawbacks in terms of ethical and moral significance, and require specific legal provisions. Considering the evolution of rights in general, the author examines the instruments for ensuring rights and freedoms that predictably anticipate the need for guarantees and protection. In particular, the creation of the General Data Protection Regulation (GDPR) within the EU, the expansion of the network of cybersecurity structures, and the study of damage in the information space. The conclusions provide prospects for the future development of human rights in the information space.

Keywords: legal protection, information space, opportunities and risks, protection mechanisms

Introduction

In today's age of technocrat domination and digital innovation, there are discussions about legal aspects, especially fundamental human rights. Information technology is constantly evolving, leading to new risks and threats. However, the main problems that arise in the process of protecting violated rights today are the difficulty of identifying violators, the difficulty of implementing response measures given the cross-border nature of the Internet, and the difficulty of maintaining a balance between responding to violations and maintaining freedom in the information space. The issues of legal protection of human rights in the context of the development of information technologies, problems, and prospects for the future are increasingly being studied by more and more scholars and are often defined as separate area of research.

In the context of the information society and the development of scientific and technological activities, corporate monopoly rights to intellectual property require significant time and space restrictions. The protection of intellectual property in the modern information environment is impossible except through increased responsibility. On the one hand, digital technologies are considered to have a positive impact on the realization of human rights, opening new opportunities for their provision, protection and creation of new directions of international cooperation in this area. Digitization of the form of new rights opens up new, sometimes rather unexpected, aspects of the realization of the basic rights and freedoms of a person and a citizen. On the other hand, the digitalization of influence and negative influence, creating new threats to the realization of human rights. A particularly negative impact on the development of digital inequality between states and in European countries, which to some extent discriminates against certain population groups that do not have high-quality access to digital technologies.

Literature Review

Certain aspects of the impact of digitalization on human rights have become the subject of research by such domestic and foreign scientists as Babiichuk (2020), Barabash and Yatskiv (2021), Baran (2021), Bunchuk (2021), Danylyan and Dzoban (2019), Davydova (2020), Denysenko et al. (2023), Khaustova (2022)Solodka (2020), Tkachuk (2018a), Vakaryuk (2018), and others.

Denysenko et al. (2023) conducted research to identify the level of understanding and violations of digital and informational human rights. The results showed that 27.3% of respondents face violations of digital and informational human rights constantly, almost every day, 30.3% – quite rarely, 24.2% – rarely, 18.2% – never. 90.9% of respondents agreed that there is a need to create a separate institution whose functional powers are aimed at protecting digital and informational rights in our time, 9.1% do not consider it appropriate.

Baran (2021) found that the right to information and other non-proprietary information rights are not only developing rapidly but in the last few years have been very closely linked to issues arising from the development of information technology and artificial intelligence. Given that the legalisation of the processes that occur in society during the development of the information society should be based on human welfare as the highest dignity, these processes should be taken into account when developing legislation at this time, Davydova (2020) notes.

It is obvious that the peculiarities of the Internet environment pose a serious risk of human rights violations and therefore require action by the state. This provides good reasons to justify the need to regulate Internet relations with a focus on ensuring and protecting the rights of participants, without resorting to Internet paternalism, which can impede the country's technological development or sideline key aspects of relations.

Solodka (2020) proposes to change the terminological approach in the relevant area and replace it with the term “protection of rights on the Internet”, which mediates both the scientific aspect of the problem and the practical aspect of such protective legal relations. Khaustova (2022) argues that transnational information companies should be legally obliged to have an official representative office in Ukraine. Such measures would further guarantee the possibility of protecting the rights of information actors, especially in court proceedings. At the same time, Bunchuk (2021) supports legislative measures to tax transnational media companies in Ukraine, which is now a global trend, and argues that strict state control over the information space is widely implemented in totalitarian (authoritarian) regimes but is not accepted in democratic societies. Self-protection measures in information systems, including at the corporate level, are being strengthened. If it is necessary to use financial means, then financial responsibility is the most acceptable, adds Bocharova et al. (2021) addresses a number of issues related to information and legal protection. The issue of developing and strengthening information protection is of particular importance both for an individual and for the national security of Ukraine due to the emergence of new threats in the field of border protection and martial law defence. The proper observance of intelligence legislation also depends on the liability for crimes established by certain provisions of the Criminal Code of Ukraine.

According to Danylyan and Dzoban (2019), in the period of rapid development of technical means that ensure modern communication in society, a global legal system is being formed in which international and national legal systems are becoming closely interconnected, subject to regulation by the entire human civilisation. On the other hand, Barabash and Yatskiv (2021) argue that the development of unified and mutually agreed mechanisms for the implementation and protection of human rights and freedoms at the level of national legal systems should help identify and implement the most successful legal systems around the world in terms of their optimal usefulness for regulating social relations. These issues emphasise the relevance of general theoretical studies of the universalisation process in the legal and information spheres, as noted by Tkachuk (2018b).

There is no doubt that the process of universalisation in the legal sphere is influenced by globalisation. In turn, legal globalisation should be understood as the process of formation of a global system of legal norms that organises and guarantees global interstate exchanges in various spheres of modern society.

The key to the further development of these processes is the high efficiency of legislation that defines both the initial provisions and the procedures for their implementation and enforcement, according to Babiichuk (2020) and Vakaryuk (2018).

Research Problem

The review of scientific papers has shown that the problem of legal regulation of the introduction and use of new digital technologies requires a more in-depth study of the protection of human rights in the modern information space. The rapid development and growth of cyberspace, when the Internet becomes an integral part of human life, has made data protection the most vulnerable area. The regulatory framework lags far behind the latest technologies and new opportunities for using global networks. Therefore, ensuring the integrity of personal data in cyberspace requires a completely new approach to understanding and effective control over the collection, processing, destruction and rectification of this data. Individuals need to know where and by whom their personal data is processed, to whom it is transferred, and where it is stored. In today's realities, the protection of the personal data of each individual should be interpreted as an aspect of guaranteeing the fundamental human right to privacy, which is the basis for the existence of a democratic society.

Research Focus

This study presents improvements in the methods of protecting rights in the context of violations and abuses through the improvement of information technology. In this regard, the study focuses on the development of effective tools and mechanisms to prevent the negative impact of information technology on human rights and freedoms in the current environment.

Research Aim and Research Questions

The purpose of the study is to examine innovative tools and mechanisms for protecting human rights from the negative impact of information technology, the current state of the problem, and its further development.

In accordance with the goal, the main objectives of the study are:

- 1) to analyse the importance of human rights for the protection of a citizen in modern society with all the features, characteristics, positive and negative aspects, and future prospects for development and improvement in the context of the existence and development of information influence;
- 2) to highlight innovative mechanisms of human rights protection in the modern information world;
- 3) to identify and analyse the future prospects of this issue.

Research Methodology

This systematic review was conducted under the PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) guidelines, ensuring a transparent and reproducible process of scientific literature analysis. The main stages of the study included developing a search strategy, selecting relevant publications, analysing data, and generalising the results.

Search Strategy

The sources were searched in the following databases: Scopus, Web of Science, Google Scholar, IEEE Xplore, and SpringerLink. The following keywords and their combinations were used to identify relevant publications: "human rights," "information technology," "digital rights," "data protection," "privacy," "artificial intelligence," "cybersecurity," "freedom of expression," "internet governance," "blockchain technology," and "human rights violations."

The search was restricted by language, considering publications in English and Ukrainian. Only peer-reviewed scientific articles, books, and conference materials published between 2010 and 2023 were included to cover the most recent aspects of information technology development and its impact on human rights protection.

Inclusion and Exclusion Criteria

The selected publications focused on the impact of information technologies on human rights protection, privacy, digital rights, cybersecurity, and the regulation of IT in the context of human rights. Special attention was given to articles discussing using information technologies to improve human rights practices. Preference was also given to case studies describing specific cases or examples of technology applications in human rights protection.

Publications that did not meet the inclusion criteria were excluded. Scientific works unrelated to human rights or information technologies, those not peer-reviewed or focused solely on technological aspects without considering their impact on human rights, were excluded.

Also, studies that lacked original data or significant analysis (e.g., editorial articles, brief reviews without in-depth analysis) were excluded.

Data Analysis

Specialised literature management tools such as EndNote and Zotero were used to eliminate duplicates. After the initial search and removing duplicates, 273 articles were selected based on their titles and abstracts. Then, the full texts of these publications were analysed for compliance with the inclusion criteria. A final pool of 47 articles underwent qualitative and quantitative analysis, the results of which are presented in the review section of the paper.

Research Results

In today's conditions, information human rights have become one of the main legal values. In order to implement the concept of "human rights by design" in the information society, this requires special attention to such rights at all levels of state support: legal institutionalisation, procedural and administrative support, and educational and awareness-raising activities.

In today's world, information technology is the new technological foundation of society, determining promising milestones, trends, and outbursts of human activity at every abstract stage of the global dimension. The development paradigm of the globalised world is determined not just by the technical infrastructure associated with computerisation, but by a large-scale tool for redistributing ideas and labour (Malashko & Yesimov (2022)). These technologies have made possible the achievements of the scientific and technological revolution, the widespread use of the latest technologies, the free movement of financial capital, and the rapid growth of "humanitarian capital" (Panasiyk, 2020).

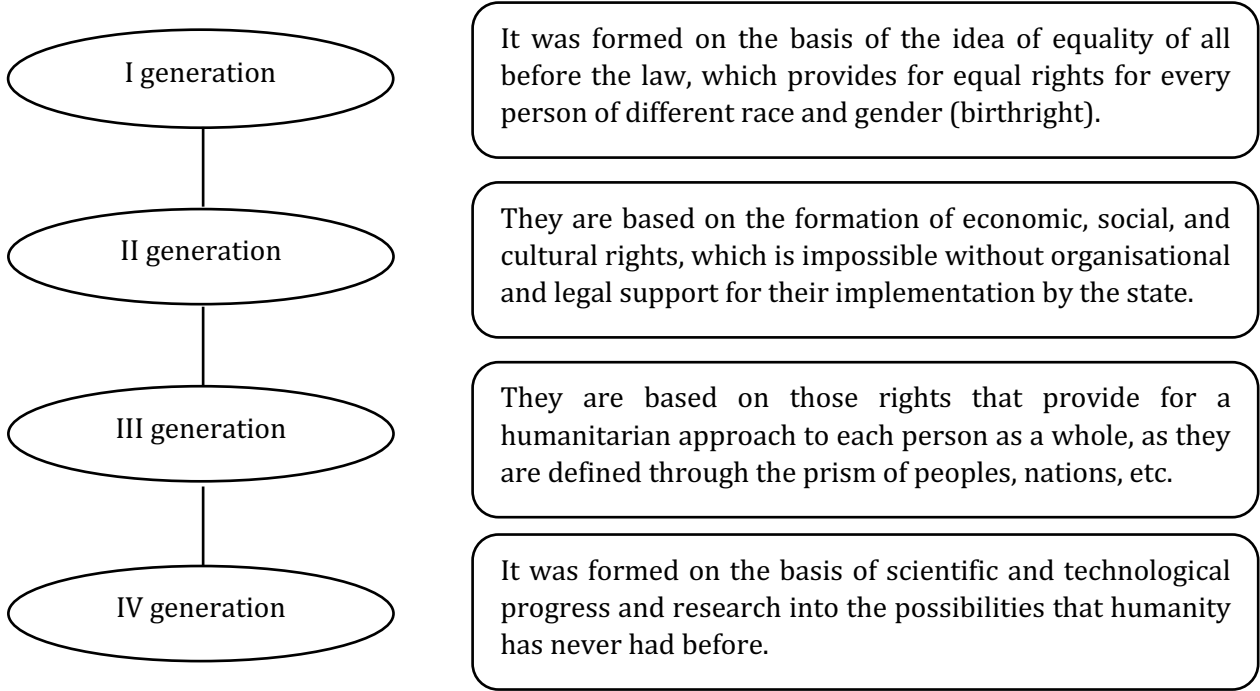
Information technologies have created new opportunities for citizens to exercise their rights to participate in government, especially through participation in civic initiatives in the social sphere, the development of e-democracy, and civic initiatives, including human rights initiatives.

Information technology has transformed the learning process and expanded the right to education through technology (Razmetayeva, 2020). The limits of restrictions on traditional, but information-based, human rights are set democratically and in accordance with the rule of law, i.e., in accordance with the principles of law:

- compliance with the law, which includes its clarity, accessibility, and predictability in terms of restrictions;
- the legitimacy and validity of the purpose of the restrictions;
- balance of public and private interests citizen;
- proportionality of restrictions;
- focus on ensuring the fundamental values of society;
- respect for the freedom and dignity of every individual;
- compliance with other principles of the rule of law, in particular the principles of non-discrimination, protection, justice, etc. (Tokareva, 2022).

Figure 1

The Essence of the Division of Human Rights Across Generations



Source: compiled by the authors based on Usyk (2021).

The latest generation of human rights refers to many areas of life, but in the information sphere, such rights are often associated with the emergence of the Internet, the development of ICT in general, and the emergence of fundamentally new devices for realising their needs, such as the Internet of Things technology (Kokhanovska & Kodynets, 2021). The introduction of technology raises legitimate questions about the legal regulation of such legal relations, the need to change and improve human rights mechanisms, and identify new ones that may be protected.

The following new rights are being identified and studied in the current scientific literature. Among them are the following: the right to anonymity; the right to be forgotten; the right to digital education and access to this knowledge; the right to protection of personal data; rights related to the protection of genetic information; the right to participate in the circulation of property in the digital sphere, etc.

Table 1

Characteristics of new human rights in the context of information technology development

Name of human right	Characteristics
The right to privacy	It is one of the most basic and important rights that reflects the freedom of every person in its negative sense, i.e., freedom from external interference.
The right to digital death	It works similarly to a will. The state allows citizens to legally oblige online service providers to express the will of citizens regarding the future fate of personal information.
The right to the Internet	First of all, the Internet is seen as a service in general for everyone. And also, as a right to information located on the Internet. At the international level, this right is determined by the recognition of the Internet as a public and universal service (Spain, Estonia), recognition of this right by the highest judicial authorities (Costa Rica, France), and the enshrining of the right to access the Internet in the constitution (Portugal, Greece).
E-democracy	This right is intended to ensure the implementation of constitutional principles in the areas of democratic governance in each country. Forms of “electronic” participation of each citizen in the management of public affairs (public discussion of draft legal acts, various types of political activity, direct and feedback contacts between voters and elected officials).
The right to education	The unified electronic knowledge space should ensure close connection of science, education, library systems, and public information systems on the Internet. It is based on the formation of a single electronic knowledge space that the transition from an information society to a knowledge society should be ensured. The level of information, its use, and accessibility have a significant impact on the economic and socio-cultural conditions of citizens.
The right to participate in the circulation of property in the digital sphere	The creation of complex information technologies (artificial intelligence, self-governing systems such as Smart Everything, analytical structures based on Big Data, etc.) requires expanding the list of protected intellectual property (“cyber property”) of users, developing more advanced methods of legal protection in the new space, and creating a segment of digital services as a type of property.

Source: compiled by the authors based on data from Khaustova (2022).

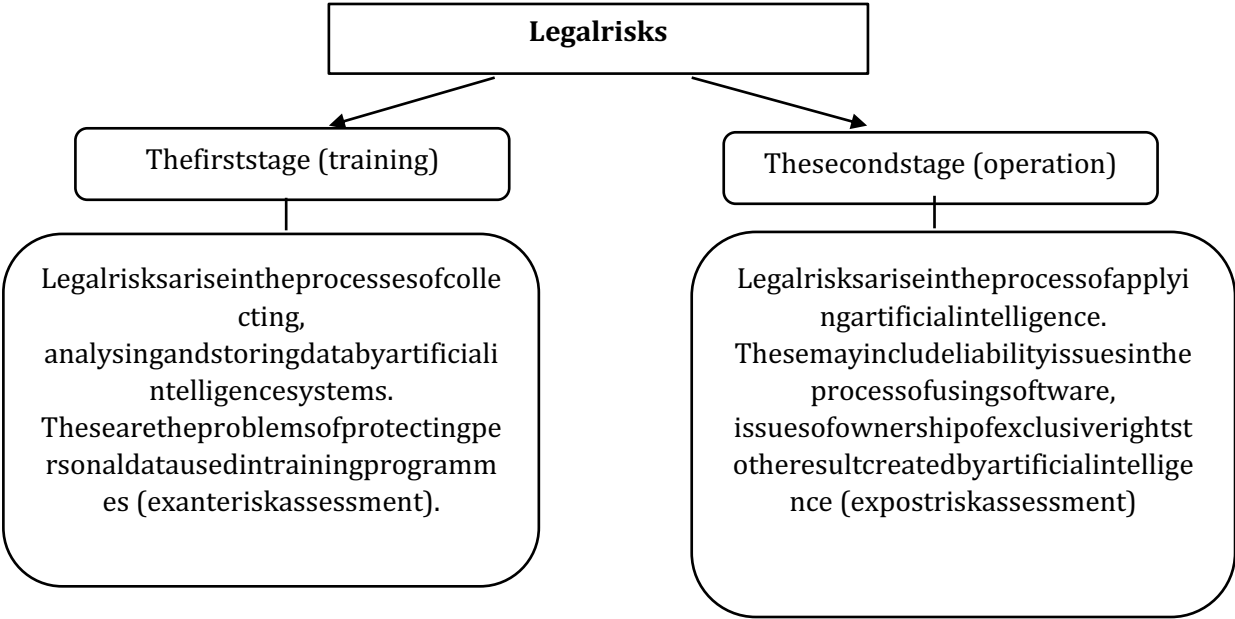
In the context of exercising citizens' voting rights and developing possible legal methods of remote electronic voting, the problem of electronic identification of persons (which currently has no clear technical solution) is prevailing, designed to simplify the electoral procedure and increase the electoral activity of citizens. In general, the influence of new technologies is gradually spreading to all branches

of law (Tikhomirov, 2023). Thus, digital technologies have made clear changes to people's labour rights. In many sectors of the economy, modern technologies allow employees to perform their work functions not only at home (home office), but also anywhere (mobile office), even at work or outside of work, and are often expected to be available to them at any time and anywhere (Tkachuk et. al., 2021).

In France, a law on labour modernisation, social dialogue, and career support was passed in 2016. One of its chapters is called “Adapting Labour Law to the Digital Age”, which provides for the right of employees to disconnect digital devices (phone and email) in order to ensure non-interference during rest, holidays, private and family life, i.e., outside of working hours. French employees have the right not to answer calls and emails from their employers. Indeed, on weekends and holidays, the French are practically “unreachable”.

Figure 2

Legal Risks of Using Artificial Intelligence



Source: compiled by the authors based on data from Pankratova and Shein (2021).

The above-mentioned risks are rapidly contributing to the emergence of the following human rights issues.

Table 2*Characteristics of Current Problems of the Information Sphere*

№	Name of the problem	Essence
1	Problems of observing human security and privacy in the formation of unified state information resources and electronic registers	<ul style="list-style-type: none"> - when creating registers, the priority is not to protect private information, information security of a person and his/her data, but only to ensure the functioning of these resources; - Lack of appropriate organisational and legal mechanisms for protecting information on citizens of states contained in their registers; - there is no proper legislative regulation of the access to information in these registers, in particular, concerning military and security sector personnel; - fraudsters' attempts to use modern information technologies and communication networks for unauthorised collection and dissemination, including the transfer of personal data, are recorded; - There is a need to properly regulate the exchange and protection of biometric data at the interstate and international levels;
2	Problems of morality and legal culture in the information sphere	<ul style="list-style-type: none"> - morality and respect for universal values in the so-called “virtual” communication tend to decline sharply; - There is no effective legal mechanism to combat violations of human rights and freedoms on the Internet and in the media; - limited opportunities for judicial protection of the dignity, honour, and privacy of every citizen;
3	Problems of spreading information aggression and violence in the national and international information space	<ul style="list-style-type: none"> - negative information and psychological impact on the minds of users, the use of information technology to harm human life and health; - using the Internet for information operations or to interfere with the activities of other parties or competitors; - Waging an information war in countries, especially Ukraine.

Source: compiled by the authors based on data from Pylypchuk (2017).

The General Data Protection Regulation (Data Privacy Office Europe, 2018) came into force on 25 May 2018. The European Commission calls it a “Trustmark in the single data market” that “sets new global standards” that emphasise human rights and reflect European standards, which should be seen in conjunction with its social function. In accordance with the principle of proportionality, it is on the same level as other fundamental rights.

Artificial intelligence has great potential to help people make the most of their time, expand their freedom, and become happier. However, it can also lead to negative consequences, including human rights violations. It is therefore crucial to find the right balance between technological development and the protection of human rights. Achieving this balance requires closer cooperation between government

agencies, the private sector and business, academia, non-governmental organisations, and society at large.

It should be noted that the mechanisms for the protection of human rights and freedoms can be divided into international and national ones. International mechanisms for the protection of human rights and freedoms are understood as a system of international (intergovernmental) institutions and organisations and relevant international legal norms, whose activities are aimed at implementing international standards of human rights and freedoms or restoring them in case of violation.

Discussion

The study of the problem of human rights protection in the information space confirms the a priori hypothesis that it is necessary to distinguish mechanisms for the protection of human rights and freedoms. The information age is constantly transforming and modernising society in every possible way. As a rule, such transformations are aimed at improving living conditions and solving specific social problems that previously had no reasonable solution. Today, technological advances and digital innovations are accompanied by discussions about legal aspects, especially with regard to fundamental human rights. In this context, the conclusions of the study coincide with the position of Koterlin (2022) and Tykhomirov (2021).

It is worth noting the controversial statements of Zozulya (2020), who concluded that the formation of a full and detailed conceptual attitude to the transformation of Ukraine at the current stage of state-building is possible only with a special approach to identifying and studying the features of equivalent forms and implementation of human rights in relation to the development of the information and technology sector. Instead, the findings of this study coincide with the conclusions of Bulavina and Davydova (2018), who identified a serious gap in positive legislation and expressed the cross-cutting need to eliminate contradictions, duplication, and other serious miscalculations affecting the most important groups of social relations.

In contrast to the aforementioned authors, the modern view of Barabash and Hryshchuk (2020), Tykhomyrov (2022). reveals that the pace of change in the sphere of life support, social development, economy, education, business and management, and functioning has increased and is becoming more and more volatile every year. The reasons for this growth lie in the comprehensive convergence in the form of the spread of information and communication technologies and the Internet, globalisation, and the interpenetration of the digital ecosystem in all sectors. In this context, we should agree with Bocharova (2021) and Bortnyk and Maryniak (2022). that in the modern world, information and communication technologies form a new technological basis for society and determine promising frontiers, directions, and explosions of human activity at all abstract stages of the global dimension. In general, each of the above researchers emphasises the need to protect human rights in the information space. And here, the opinion of Tarakanov et al. (2019) and Zubko (2022) is important, as the modern Ukrainian society is an information society since the quantity, quality, and degree of information use are factors that determine the level of development of the state and significantly affect its status in the world community. The formation and development of the information base of society requires a set of prerequisites that guarantee its reproduction and development.

Thus, we should also agree with Talimonchik (2019) and Pasechnyk (2021), since understanding and studying the issue of legal mechanisms for the protection of information rights and freedoms has a positive impact on the organisation of human rights and the legal protection of citizens' rights and freedoms in Ukraine as a whole, and it is highly advisable to study the legal mechanisms for the protection of information rights and freedoms.

Conclusions and Implications

The development of information technologies makes it possible to open up completely traditional, new, and qualitatively different opportunities for the exercise of human rights and freedoms, but at the same time, it brings new challenges and threats to the exercise of these rights and freedoms. They are being transformed and filled with new aspects and content, branching out into those related to the digitalisation process. The consequences of digitalisation in many areas of life require understanding and appropriate development of legal mechanisms for regulating, implementing, and protecting human rights and freedoms for sustainable social and economic development. Significant improvement of the system of protection of human and civil rights and freedoms to information in Ukraine is possible provided that the regularities of functioning, development trends, and problems of legal mechanisms for the protection of human and civil rights and freedoms to information are identified, and their individual components and institutions are strengthened.

Information technology is constantly evolving and generating new risks and threats. However, the main problems that arise today in the process of protecting violated rights are the difficulty of identifying the violator, the difficulty of implementing response measures given the extraterritorial nature of the Internet, and the difficulty of finding a balance between responding to violations and preserving freedom in the information space.

In addition, when talking about the problem of human rights protection in the information society, it is necessary to understand the technical specifics of such relations. This is due to the dynamism of information that can be quickly published or deleted by a violator. As a result, important data may become inaccessible, making it virtually impossible to ensure effective protection. Responses to human rights violations in the information society should take into account these features, be prompt and comprehensive, and be carried out in cooperation between state authorities and legally relevant actors.

Suggestions for Future Research

The further development, improvement, and application of information technology security and ensuring a dynamic balance of social development require maintaining information security conditions. In future research, it is recommended to expand knowledge about human rights and their protection in the context of information technology development through the following aspects.

In future research, it is recommended to expand knowledge about human rights and their protection in the context of information technology development through the following aspects.

1. Studies of the future prospects of humanity, which are considered in the theory of the information society, do not take into account ethical restrictions, asserting freedom of thought, but to a greater extent, the principle of information security is considered as an important condition for determining social stability in the present.

2. Analyse the main concepts of the new society that affect the current problems of information security: information stratification of society, control of personal and public consciousness, violation of information confidentiality, interference with private life.

3. Disclosing the basics of psychological, spiritual, moral, and humanistic aspects of the development of information civilisation, creating a methodological basis for solving information security problems in accordance with human rights.

Future prospects include the strengthening of comprehensive mechanisms for the protection of human rights and freedoms in Ukraine and responding to the latest challenges and threats to information security, including corporate opposition to independent human rights activities by the authorities, the problem of media freedom, the lack of proper legal recognition in society, the same or different legal obstacles that have developed in practice: unconstructive competition between human

rights organisations of various kinds. Overcoming this competition disorder is of paramount importance. At the present stage, the discussion remains open. Each of the scholars presents their thoughts and views on the problems and prospects of legal protection of human rights in the modern development of information technologies.

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Conflict of Interest

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