

Human Rights in Cyber Space

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ABSTRACT

Cyberspace the space of modern world which anyone can join and is the best platform in today's world to express their own views without any hesitation and hussle. But are we truly free in cyberspace that's the big question in today's world. We as human beings have certain rights which our constitution has given from article 14 of the constitution of India, but the rights in cyberspace are not only for any specific country but for world at large and should be unified. This paper tells about and highlights the same human rights in cyberspace and how it should be exercised.

Keywords- Cyberspace, Cyber bullying, Human Rights.

I. INTRODUCTION

Human rights in cyberspace is a relatively new and uncharted area of law. The United Nations Human Rights Council (UNHRC) has stated that the freedom of expression and information under article 19(2) of the International Covenant on Civil and Political Rights (ICCPR) include the freedom to receive and communicate information ideas and opinions through the internet.

The human rights council has stated that, "the same rights that people have offline must also be protected online". The question is raised whether people's expectations of human rights are different in cyberspace. Public privacy encompasses freedom of information and expression on the internet on one side, and security and privacy in cyberspace on the other side. Te right to freedom encompasses the right of expression and is stated in several international treaties. The right includes freedom to receive and impart information and ideas and to hol opinions without any state interference. Freedom means the rght to political expression especially when it raises matters of public importance.

German political scientist "Anja Mihr" says that cyberspace harbours more individuals than any other country in the world, yet it is without any government, legislative bodies, law enforcement or any other sort of

constitution. International government organisation (IGO's), such as the U.N., the organisation of American states, the African union or the European union aim to set international standards for the use of cyberspace and the internet to be enforced by national government, but commonly fail to do so.

A question arises when there is a breach of an individual's basic human rights. Should the liability fall only on the originator of the breached right, or should the burden also fall on the internet service provider. The increasing speed and limitless audience of the internet pose a greater danger to individuals and their reputations.

Internet service provider (ISP's) may not have the means to monitor content published on their websites, and maybe unaware that a defamatory statement exists on thir site. Thi was demonstrated in the case of "CUBBY Vs. COMPU SERVE", where it was found that the ISP was acting as a mere distributor and could not be liable for the content posted on it's bulletin. However, in "STRATTON OAKMONT Vs. PRODIGY SERVICES" the New York Supreme Court has held that, Prodigy acted as a publisher with an editorial function, and so was found liable.

Cyberspace is a tool where individuals an exercise their freedom rights but cyberspace cannot guarantee our freedom. Today there are around 2.5

billion internet users according to the freedom in the net index issued in 2013, most countries in the world censor internet freedom. There are many methods of filtering and censoring the exercise of freedom rights using internet police.

The future of human rights in cyberspace depends on the evolution of the law and its interpretation by national and international governing bodies. Recent official discussions have taken place as to the future of cyberspace in April 2008, the virtual law conference was held in New York. The agenda included discussion of intellectual property rights enforcement, legal issues arising from virtual currency and virtual property, ethical concerns for attorneys and executives in virtual worlds and how to litigate a virtual law suits.

There are types of discriminatory behaviours like cyber - bullying, that occur offline and online also. Cyber bullying can impact on a range of human rights including the right to the highest attainable standard of physical and mental health, right to work and fair working conditions, right to freedom of expression and to hold opinions without interference, a child or young person's right to leisure and play. Cyber racism can be in the form of individuals posting racist comments or participating in group pages specifically setup for a racist purpose. Hate speech is intended to disturb violence or prejudicial actions against a group of people based on their ethnicity, race, nationality or sexual orientation. Article 20 of the ICCPR states, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination hostility or violence shall be prohibited by law.

Some rights in cyberspace are-

1. Freedom of speech, communication and access to information.
2. Right to privacy.
3. Freedom of opinion and free flow of information.

4. Right to internet access.

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