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**INTERNATIONAL LEGAL REGULATION OF RIGHTS
AND FREEDOMS ON THE INTERNET**

The Internet, viewed as a global information and communication network, has several significant characteristics. First, it facilitates the exchange of information. Secondly, information is transmitted through communication networks. Thirdly, its number is practically not limited either by volume or by spheres of interest. Fourth, the Internet, which is not owned by any state or organization, unites various information systems and telecommunication networks without national restrictions. Fifthly, the consumers of the transmitted information can be any subjects-users of the network. Sixth, most of the rules on the basis of which the Internet functions are protocols that allow the network to remain operational according to a variety of parameters. Taking into account the named characteristics, the Internet cannot remain outside the legal space. Therefore, the important question is at what level and who should determine the legal parameters for the functioning of the Internet. Is it possible to regulate only by international law due to the global nature of this network. To what extent does the national legislator have the right to regulate Internet governance issues? What should be the correlation between the norms of international and national law in this area? To what extent is its self-regulation permissible? The issue of legal regulation of the Internet is also important because of the need to consider the information and communication network as a means of realizing almost any human rights. Where there are rights, there are obligations and there is always the possibility of their violation.

The foundations of international human rights standards continue to evolve simultaneously with the process of forming new legal systems that declare in their constitutions the ideas of the rule of law and respect for human rights. Doctrinal approaches to the interaction of international and national law, to the legitimacy of universal international legal standards and their role in the protection of individuals in the context of practical issues and challenges that exist at the international and national levels should now be considered. The human rights sector is constantly evolving through the development of new international and national legal instruments.

The history of the Internet began with the creation of the world's first computer network ARPANET, when, in 1969, at the initiative of the US Department of Defense, information was exchanged between computers located in different cities for the first time. Then private networks emerged, each linking a small number of computers. But after a couple of years, they were all integrated into the ARPANET, and due to the name of the data transfer protocol, the united network was called "Internet". Having emerged as a closed system for the military and scientific institutions of the United States, the Internet has acquired a global character, becoming accessible to an increasing number of subjects. At the first stage, the legal regulation of the Internet was carried out through the adoption by the developers of the networks of acts defining technical standards.

For example, the Internet Service Provider Open Forum has developed "Network Usage Standards". They, in particular, talk about generally accepted norms of work on the Internet, aimed at ensuring that the activities of each network user do not interfere with the work of other users. In addition, the Open Society Institute issued guidelines in 1996, called the Open Internet Policy Principles, so that policymakers around the world take into account the wishes and demands of the Internet community when setting network policies. Networking associations have also been formed (Internet Configuration Management Board, Internet Architecture Board, Internet Design Working Group, Internet Society, and others). At the same time, there was no centralized regulation of Internet governance issues. Subsequently, in order to resolve sectoral issues, acts began to be adopted by individual international organizations created primarily within the framework of the United Nations (the UN Commission on International Trade Law, the International Telecommunication Union, the World Intellectual Property Organization, under which the Standing Committee on Information Technologies, the International Chamber of Commerce, Economic Commission for Europe, Trade and Electronic Business Promotion Center, etc.). Since certain questions have accumulated, and not only in the sphere of the functioning of the Internet itself, but also in the implementation of a number of human rights through it, the United Nations initiated the holding of the World Summits on the Information Society in 2003 in Geneva and in 2005 in Tunisia. As a result, the Declaration of Principles "Building the Information Society – a Global Challenge in the New Millennium" (even the Declaration of Principles) and the Action Plan, as well as the Tunis Commitment and the Tunis Agenda for Action for the Information Society were adopted. In addition, it was decided to establish an annual Internet Governance Forum. The objectives of the forum were to promote the development of the Internet, ensure its security and stability.

The Declaration of Principles, adopted in Geneva, reaffirmed the focus on the development of an information society in which everyone can create, access, use and share information and knowledge to enable individuals and peoples to realize their full potential, contributing to their sustainable development by enhancing the quality of their lives in accordance with the purposes and principles of the Charter of the United Nations and fully respecting the

Universal Declaration of Human Rights. The commitment of the 2003 World Summit participants to many documents adopted within the framework of the United Nations (the Millennium Development Goals, the Johannesburg Declaration and Plan of Implementation, the Monterrey Consensus, the Vienna Declaration) was recognized. The foundation of the information society was proclaimed enshrined in Art. 19 of the Universal Declaration of Human Rights, the right of everyone to freedom of opinion and expression, provided that this right includes the freedom to pursue one's convictions unhindered and the freedom to seek, receive and impart information and ideas by any means and regardless of state borders. Moreover, the Declaration of Principles recognized communication as one of the basic human needs and the foundation of any social organization at the heart of the information society. Everyone, wherever they are, should be able to participate in the information society, and no one should be deprived of the benefits that society offers.

Therefore, it is necessary to shape, develop and implement a global culture of cybersecurity in cooperation with all stakeholders and competent international organizations. Committed to the principles of freedom of the press and freedom of information, as well as independence, pluralism and diversity of the media, which are the main constituents of the information society, the Declaration states that all participants in the information society must take appropriate actions and take legal measures to prevent the misuse of information and communication technologies (illegal acts and other actions motivated by racism, racial discrimination, xenophobia and related manifestations of intolerance, hatred, violence, all forms of child abuse, including pedophilia and child pornography, as well as human trafficking and their exploitation). Thus, the Declaration of Principles identified the need for an appropriate legal and policy framework based on due respect for human rights in areas such as privacy, security and consumer protection, while maintaining economic initiative.

As a result, the information society has come to be seen as one of the tools for strengthening and protecting human rights. The Declaration laid the foundation for the definition of rights that are realized on the Internet, and gradually, in international law, approaches began to form not only to their proclamation, but also to their protection. For example, the right to free access, search and dissemination of information, provided for in universally recognized international acts, has acquired new content in connection with the development of the Internet. In 1948, this right was enshrined in the Universal Declaration of Human Rights: "Everyone has the right to freedom of opinion and expression; this right includes the freedom to freely adhere to one's convictions and the freedom to seek, receive and impart information and ideas by any means and regardless of state borders" (Article 19).

The right to freedom of speech is also enshrined in the International Covenant on Civil and Political Rights: "Everyone has the right to freedom of expression; this right includes the freedom to seek, receive and disseminate all kinds of information and ideas regardless of state borders, orally, in writing or through the press, or artistic forms of expression, or in other ways of their choice" (Article 19). In a slightly different way, this right is disclosed in the

European Convention for the Protection of Human Rights and Fundamental Freedoms: “There is an opportunity to adhere to the freedom of one’s opinion and freedom to receive and impart information and ideas without any interference from state bodies” (Article 10). Similar provisions are contained in other acts (the Convention on the Rights of the Child, the UN Declaration on Basic Principles Concerning the Contribution of the Media to Strengthening Peace and International Understanding, to the Development of Human Rights and to the Fight against Racism and Apartheid and Incitement to War, etc.). Of course, it should be taken into account that many universally recognized international acts were adopted before the development of the Internet, nevertheless, the provisions contained in them are still applicable today, including with regard to the possibility to exercise the listed rights with the help of new technologies. Taking into account the global nature of the Internet and at the same time the ability of states to restrict access to it, in 2011 in the next report of the United Nations (Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression) it was noted that the list inalienable human rights added a new right to access the Internet. It was recognized that the Internet has become a powerful tool for the realization of human rights, that state power becomes transparent when using it, therefore the dissemination of information should be as free as possible, except in situations where it can lead to a violation of someone’s rights. Disconnecting specific regions from the global network since June 2011 is considered a violation of human rights. The document states that “on the way of information on the Internet there should be as few obstacles as possible, except for individual exceptional and strictly defined cases, in accordance with international conventions on human rights”.

It seems that the on-net regulation (self-regulation) by the Internet community of relations in the network will not ensure freedom of the information space, will not establish clear rules of behavior for network users, in particular, because recommendations, resolutions, and other acts are not universal and obligatory for users, in including states. Therefore, in recent years, one can hear more and more often that in the sphere of regulating Internet governance issues, the adoption of acts containing, in particular, international legal standards that are binding on the national legislator is required. Gradually, international Internet law is being formed, designed to regulate general issues of Internet governance, relations between states in this area, measures of control over the use of the Internet and, most importantly, the observance of citizens’ rights in it. Or, perhaps, we should simply recognize the completed stage of the formation of the fourth generation of rights related to the information and digital revolution, and regulate the content of these rights, guarantees of their implementation by a new international document.

Ключові слова: Інтернет, права і свободи, міжнародне право, інформаційні права, інформаційні технології.

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