

UDC: 342.738:004.378.5  
COBISS.SR-ID 159552777  
doi: <https://doi.org/10.61837/mbuir020224123m>

REVIEW SCIENTIFIC PAPER

RECEIVED: 8. 4. 2024.  
REVISED: 12. 11. 2024.  
ACCEPTED: 25. 11. 2024.

# THE DIGITAL ERA AS A CHALLENGE FOR HUMAN RIGHTS

**Marija A. GROZDANOVSKA**

*International Slavic University St. Nicholas, North Macedonia*

[marija.grozdanovska@msu.edu.mk](mailto:marija.grozdanovska@msu.edu.mk)

**Abstract:** *The digital era, as a period in which digital technologies have a significant impact on all aspects of human life and society as a whole, represents a general change in the way we live and function. The development of digital technologies and digitization opens up new ways to exchange ideas, information, research and other activities that take place in the digital space. The advanced level of modernization in contemporary states is facilitated by digitalization, which involves the use of information technologies across both the private and public sectors. The process of digitization ensures openness, transparency, and inclusivity, which satisfies the requirements for effective and efficient governance. However, as digital space expands, so do the opportunities for violations of human rights and freedoms, which occur in both the offline and online worlds. The protection of human rights in the 21st century depends on the ability of states to clearly establish their protection in a digital context. The purpose of this article is to highlight the challenges, risks, but also the possibilities for improving the protection of human rights in the digital era, especially the right to privacy and the protection of personal data. To achieve this goal, several methods will be applied, such as the analysis of scientific and professional literature, normative, historical, comparative, empirical and descriptive methods. In conclusion, the need to develop a dialogue that will balance progress in the protection of basic human rights will be highlighted.*

**Keywords:** *digital era, human rights, online space, right to privacy, protection of personal data*

## 1. INTRODUCTION

Human rights, democracy, and just government aren't something we can take for granted. They represent all goods that require care and attention. New methods of learning, entertainment, and work are made possible by the latest developments in scientific and technological fields as well as techniques and technologies during the last several decades. As a result of these modifications, modern, successful operation is required in order to meet

the newly established circumstances. As more of our lives shift to the online realm, we've seen firsthand how technology can enhance democracy, human rights, and the rule of law. During the Covid-19 pandemic, many people adapted by moving their responsibilities, work tasks, meetings, and other activities to digital platforms. This shift not only kept essential functions running but also demonstrated the potential of technology to foster connectivity, transparency, and participation in various sectors of society, even during challenging times.

However, it also raised important questions about digital access, privacy, and security, highlighting the need for balanced regulation and protection in the digital age.

The requirements of people are reflected in digital transformation in modern society. It is an effective way to enhance the quality of life for citizens who benefit from digitization in many ways, including the provision of public services without discrimination, the elimination of counter waits times, the avoidance of numerous bureaucratic procedures, etc. One of the most crucial instruments for building a relationship between institutions and the public, as well as for improving the effectiveness of government agencies' operations and their accountability to the public, is digital technology. Transparency, inclusivity, and openness are ensured by digitization, meeting the requirements for effective and efficient administration.

The development of digital communications and technologies have brought about significant changes that modern countries must deal with. This implies that despite all of the advantages that come with digitization, it also serves as a haven for many human rights violations, abuses, and limitations.

There are various ways in which human rights might be violated in the internet world. Online bullying, harassment, stalking, threats, and other attacks on the safety of individuals and groups are among the most prevalent types of cyberviolence. In the context of the digital age, violations of personal data protection and privacy are frequently considered human rights abuses.

## 2. DIGITALIZATION AND HUMAN RIGHTS

Achieving a high level of modernization for the nation with the use of information technologies in both the public and private sectors is what is meant by digitization. It focuses on four ideas:

- Skills (total number of ICT professionals in the nation, particularly women, and proportion of digitally literate populace);

- Government (digitalization of public services, e-health, and digital identity);
- Businesses (proportion of businesses using advanced ICT in their operations; rate of growth of innovative businesses and percentage of enterprises using basic ICT);
- Infrastructure (number of secure communication nodes, internet connection quality and speed).

The Republic of North Macedonia's statistical data indicates that the majority of households have access to the Internet from home. 88.0% of households had access to the Internet from home in the first quarter of 2023, according to data from the State Statistical Office of The Republic of North Macedonia. Of all those aged 15 to 74, 85.3% used the Internet in the first quarter of 2023, and 67.7% used it multiple times a day. In the previous year, 53.5% of persons completed online orders for goods or services [19].

The following table 1, which is based on statistical data kept and released by the State Statistical Office, shows what the citizens of North Macedonia most frequently done with the Internet in the first quarter of 2023.

The majority of the population used the Internet for the following purposes:

- 89.2% made Internet phone calls and video calls (using a webcam);
- 76.9% used social networks (setting up profiles and sending messages or other attachments on Facebook, Twitter, etc.); and
- 75.2% sent and received instant messages.

The least common uses of the Internet were:

- 3.4% for taking part in online polls or consultations to define political and civil issues (such as urban planning and signing petitions);
- 6.8% for selling goods or services through online auction sites like eBay;
- 9.1% for searching for a job or submitting an application.

In addition to exposing individuals to online security risks due to their frequent internet usage and routines, citizens also face

**Table 1. Activities on the Internet in the first quarter of 2023**

	Total	Sex		Age groups		
		Male	Female	15-24	25-54	55-74
Internet users	100	100	100	100	100	100
Sending / receiving e-mails	44	42.5	46.8	48.6	54.2	28.2
Telephoning over the internet / video calls (via webcam) over the internet (using applications, e.g. Skype, Facetime)	89.2	87.2	92.8	84.8	91.4	86.7
Using social networks (creating user profile, posting messages or other contributions to Facebook, Twitter, etc.)	76.9	75.2	80.0	87.4	85.3	62.8
Using instant messaging, i.e. exchanging messages, for example, via Skype, Messenger, WhatsApp, Viber	75.2	73.6	78.2	86.5	82.8	62.1
Finding information about goods or services	54.2	52.1	58.1	70.5	62.7	39.1
Reading online news sites/newspapers/news magazines	48.2	43.9	55.9	44.8	52.0	43.0
Expressing opinions on civic or political issues on websites or in social media (e.g. Facebook, Twitter, Instagram, YouTube)	18.7	18.3	19.3	12.6	21.1	16.2
Taking part in online consultations or voting to define civic or political issues (e.g. urban planning, signing a petition)	3.4	3.8	2.7	1.2	4.7	1.9
Looking for a job or sending a job application	9.1	9.0	9.3	14.9	13.3	1.9
Seeking health-related information (e.g. injuries, diseases, nutrition, improving health, etc.)	67.7	67.3	68.3	66.2	73.5	59.3
Selling of goods or services, e.g. via auctions (e.g. eBay)	6.8	6.8	6.8	7.0	8.9	3.8
Internet Banking	32.8	32.6	33.3	20.3	43.8	19.6

Source: State Statistical Office of The Republic of North Macedonia, <https://www.stat.gov.mk/>

challenges and threats related to the violation of their human rights in the digital age. Human rights were created at a time when the Internet did not exist, but it is now an essential part of modern society. The Internet has evolved into an essential tool for achieving a number of human rights because it is a global communication medium. It can be used for a variety of purposes, including educating people, shaping public opinion, disseminating ideas, thoughts, and attitudes, downloading and sharing content. Apart from its numerous advantages, the Internet may potentially have a negative impact on the human rights. Such circumstances highlight the necessity of safeguarding human rights in the digital age, or putting in place systems to address the new difficulties that the Internet presents. Digitization has a lot of beneficial impacts on individuals, but it also changes the ways in which human rights are protected and violated.

Human rights are linked to the Universal Declaration of Human Rights (1948) and the European Convention on Human Rights (1950). Although states have made significant

progress in this area, there is still more work to be done, particularly given how dynamic and ever-changing societies are. It also means that in addition to the rights that were customary or traditional in the past, new rights are always developing that the states are obligated to protect. The state's capacity to clearly define human rights' protection in the digital era will determine whether or not those rights are upheld in the digital age.

Globalization and digitalization are strongly related concepts. Globalization is a multidimensional concept with many different aspects (economic, political, legal, cultural, etc.). Following the Second World War, numerous European nations began the process of becoming more interconnected due to advancements in science, democracy, technology, etc. The European Union was established as a consequence of that procedure. It represents one of the most important and effective ways of state unification that exist today. The main reasons behind the creation of the EU are peace, security, economic and social solidarity, European identity and variety in the context

of a globalized world, and the promotion of a more comfortable, safer, and freer living for its members. The member states of the European Union differ in size from the largest, Germany, with over 82 million people, to the smallest, Malta, with only 400,000 people. About 510 million people live in the 27 member nations which make up the European Union.

EU member states identify digital transformation as one of their top goals. The European Parliament works with member states of the EU to develop policies that will encourage worker training and digital skills, promote digitize public services, and increase European capabilities in emerging digital technologies - all while respecting fundamental rights and values. In addition to highlighting the need for more digital education and the digital skills gap, the Covid-19 epidemic has demonstrated the significance of digital skills for interaction and employment. Up to 42% of EU people do not possess basic digital abilities [17].

### **3. THE RIGHT TO PRIVACY AND THE PROTECTION OF PERSONAL DATA**

The digital age we are living in, along with the increasing use of information technology and systems, presents new difficulties for protecting personal data and the right to privacy [3, pg.1]. One of the fundamental rights, the right to privacy, has changed over time to take on new meanings and manifestations. Privacy refers to a person's freedom to freely choose how much of their personal information they want to share and discuss with others. When he feels it is necessary, he can escape or engage with the community, but he also has the right to manage the information that is shared about him [1, pg.22]. The right to privacy implies the right to be left alone [2, pg.40].

Individuals have diverse cultural origins and varying opinions on what constitutes a private space. Most people conceal their thoughts, talks with other people, close relationships, etc. behind the curtain of privacy. However, as technique and technology have advanced, not only have views on privacy evolved, but the right to privacy has also faced many challenges.

A fundamental human right, the right to privacy protects people against unwarranted access to their private information, conversations, and affairs. It addresses a number of topics, such as individual freedom, data control, and privacy protection.

The world's communications and information exchange has benefited as a result of the information and communication technologies' quick development. While contemporary technology enhances quality of life and the ability to exercise human rights, it can also be exploited to the harm of these rights.

There is no doubt that the right to personal data protection is linked to the right to privacy. The concept of protecting personal data is more expansive and encompasses not just the right to privacy but also the freedoms of expression, religion, and thinking, as well as the unrestricted flow of information and nondiscrimination.

The concept of "personal data protection" describes the steps done to protect the integrity, confidentiality, and privacy of an individual's personal information. This include putting security measures in place to prevent unwanted access, ensuring that data protection laws and regulations are followed, getting informed consent prior to data collection and processing, and giving people the ability to view, amend, and remove their personal data. In other words, the gathering and handling of personal data dates as much further than society itself [4, pg.65]. It may not be the oldest occupation, but it is undoubtedly one of the oldest behaviors. The gathering and use of personal data is becoming more and more necessary in today's world.

### **4. REGULATION ON THE RIGHT TO PRIVACY AND THE PROTECTION OF PERSONAL DATA**

Multiple documents constitute the international rule on the right to privacy and the protection of personal data. The European Convention on Human Rights (Article 8), the European Charter of Fundamental Rights

(Article 7) and the Universal Declaration of Human Rights (Article 12) all guarantee the right to privacy or private life.

According to Article 12 of the Universal Declaration of Human Rights, no one is allowed to be victim of arbitrary intervention in his home, family, or private life, or in attacks on his honor and dignity. Everyone has the right to legal defense against these kinds of intervention or assaults.

The right to respect for one's home, correspondence, and private and family life includes the right to protection against the collection and use of an individual's personal data, as specified in Article 8 of the European Convention on Human Rights.

Everyone has the right to respect for their home, communication, and private and family life, as stated in Article 7 of the European Charter of Fundamental Rights.

Convention No. 108+, also known as the Council of Europe Convention for the Protection of Individuals with regard to the Processing of Personal Data, is the first legally binding international agreement dedicated only to data protection.

One of the fundamental values of the EU and a human rights area that the Union takes seriously is the protection of personal information and the right to privacy. The General Data Protection Regulation (GDPR), also known as Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, is extremely important regulation which has become increasingly crucial as a result of the rapid development of technology, globalization, and the new challenges related to data protection. This Regulation was adopted on April 27, 2016, by the European Parliament and Council of the European Union. This regulation replaced Directive 95/46/EC, which was the act that was transposed into the Personal Data Protection Law of 2005. In addition to giving individuals more control over their personal data, this regulation places strict restrictions on how businesses must gather, use, and preserve personal information.

The European Commission has created many publications (guidelines, guides, etc.) to facilitate the implementation and application of this regulation. These documents aim to make the regulation's practical implementation easier. They're:

- Guidelines on Automated individual decision-making and Profiling for the purposes of Regulation,
- Guidelines on Data Protection Officers,
- Guidelines on the right to data portability,
- Guidelines on Consent under Regulation 2016/679 and
- Guidelines on Transparency under Regulation 2016/679.

The personal data protection reform processes started with the adoption of the new Regulation. Iceland has extremely strict privacy regulations that were implemented in 2000, making it a country with the strictest laws regarding internet data protection. Switzerland has the best protections for privacy of all countries, as established in its Constitution and implemented laws, which protect individuals right to privacy. The Scandinavian countries (Sweden, Norway, Denmark, and Finland) have been recognized as leaders in privacy and data protection, having the best privacy practices.

Of great importance is the practice of the European Court of Human Rights, which has also prepared a "Guide to the practice of the European Convention on Human Rights in the protection of personal data".

The General Data Protection Regulation has been adequately included into the Republic of North Macedonia's new Law on the Protection of Personal Data, which enters into force on February 24, 2020. The Law on Protection of Personal Data regulates the processing of personal data with regard to the protection of personal data and the right to privacy.

In the Republic of North Macedonia, the protection of personal data and the right to privacy are guaranteed in the Constitution. Article 18 of the North Macedonia Constitution ensures that personal information is protected.

Personal privacy and security of data are ensured. Protection against violations of personal integrity resulting from the registration of data processing-related information about citizens is guaranteed.

Additionally, an individual's privacy is protected by Article 25 of the Constitution. Every citizen has a right to the respect and protection of his or her reputation, dignity, and private life, including that of his or her family. The Constitution's provisions protect the security and privacy of personal information. Protection against violations of personal integrity resulting from the registration of data processing-related information about citizens is guaranteed. Every citizen is entitled to the respect and protection of his or her reputation, dignity, and private life, including that of his or her family.

There are several national legal acts that contain norms related to the protection of personal data and the right to privacy. These laws include the Criminal Code, the Law on Justice for Children, the Law on the Protection of Children, the Law on Electronic Communications, the Law on Electronic Commerce, the Law on Obligation Relations, among others, in addition to the Law on the Protection of Personal Data.

The Criminal Code includes a special chapter titled "Crimes against the Freedoms and Rights of the Citizens," which regulates the following crime: "Abuse of personal information". This chapter has systematized a number of other offenses that can be committed and compromise one's right to privacy, in addition to this one. These include: violating the home's inviolability; failing to maintain the privacy of correspondence or other deliveries; publishing personal information without permission; unlawful recording etc.

## 5. POSITIVE AND NEGATIVE IMPLICATIONS OF DIGITALIZATION ON HUMAN RIGHTS

Many positive and negative effects might come from digitization in the context of human rights.

Access to information, education and knowledge, accountability and transparency, economic empowerment, global connection, and the strengthening of human rights are just a few of the ways in which it positively affects human rights.

On the other hand, the negative effects include things like: monitoring privacy; fostering a digital gap; cyber security issues; online harassment and discrimination; censorship, etc.

People can exercise their right to freedom of expression and access to information thanks to the benefits of digitization in terms of access to information. It makes it possible for people to differ, exchange ideas, and engage in public conversation more freely. Information access is made more accessible by digital technologies.

Digitization's positive benefits on education and awareness are multifaceted. Digital platforms enable people to understand and fight for their rights by providing access to educational materials and campaigns raising awareness of human rights concerns. As a benefit of digitalization, transparency and accountability are improved in governance through the use of digital tools that let people keep an eye on government operations, report corruption, and hold officials responsible for any violations of human rights. With regard to the management of environmental issues, education, culture, and other social policies, as well as the development of novel industries with high added value, digital tools are a means of modernizing the economy and improving its networking in the global economy.

As a result of digitization, opportunities for economic empowerment are created through the use of digital technologies. These opportunities include remote work, entrepreneurship, and access to digital financial services, all of which improve people's socioeconomic rights.

Another benefit of digitization is its ability to provide global connectivity. People all throughout the world are connected by the Internet, which promotes global cooperation and solidarity in the advancement of human rights causes. In order for everyone to have access to online opportunities and profit from

the advantages of the digital society, connectivity reaches those who live in villages, mountains, and rural locations.

People can utilize digitization to strengthen their voices, organize for social justice, and hold companies and governments responsible for violations of human rights by using the right platforms.

The negative impacts of digitization on human rights are present in addition to the advantages on the other hand.

The surveillance of an individual's privacy is a fundamentally negative effect of digitalization on human rights. Due to the fact that governments and businesses gather and use vast amounts of personal data without putting sufficient safeguards in place, digitization raises the possibility of mass monitoring and privacy violations.

A disadvantage of digitalization is the creation of a digital divide that increases inequality by preventing marginalized individuals from accessing their online rights and restricting their access to digital technologies and internet connectivity.

Beyond all of its advantages, digitization puts cyber-security at risk. People's right to safety and security in the digital age may be compromised by the dangers they are exposed to, such as identity theft, hacking, and cyberbullying.

Internet-based harassment and discrimination are a disadvantage of digitalization. Digital platforms can be used to spread hate speech, participate in online harassment, and discrimination against people, violating on their rights to equality and dignity.

Control over what is published online has the potential to result in censorship. Online platforms' use of content moderation and restriction might restrict people's ability to express themselves freely and obtain information, which raises questions about censorship and arbitrary enforcement.

In order to reduce the negative impact of digitalization on human rights, effective legal and regulatory processes must be established in place to protect privacy and cyber security,

promote digital inclusion, and hold online abusers accountable. Promoting efforts for digital literacy and awareness can also give people the tools they need to use the internet responsibly and safely.

## 6. SUMMARY

Information and communication technology users' lives as well as the whole of society are significantly affected by how different countries respond to the problems created by globalization and digitalization. States are required to uphold, protect, advance, and implement human rights and freedoms in compliance with both international and domestic rules. It suggests that states should align their national regulations with international standards in this area. The development of moral principles, norms, and laws that protect human rights in the digital age requires international cooperation. Both national security and international security depend on the maintenance of human rights and the rule of law in the digital age.

States must respect the right to privacy and the protection of personal data, which includes implementing strict regulations for the protection of human rights in the digital sphere, in order to respond to the challenges presented by the digital age and to maximize the benefits of digitization for human rights.

It is crucial to carefully analyze every human rights concern that can be abused online in a world where work and communication are taking on new, digital forms. In order to ensure equal access to digital technologies, digital security requires conversations regarding how to enable appropriate access to human rights in the digital world, stakeholder debates, infrastructure development, and digital literacy initiatives. Appropriate education at all societal levels must also be prioritized, as must efforts to increase public awareness of their rights, particularly with regard to privacy and data protection and the potential for violations. Local, national, regional, and international human rights protection mechanisms are all part of this process.

## REFERENCES

- [1] Breckenridge, A.C. (1970). *The Right to Privacy*, University of Nebraska Press, Lincoln.
- [2] Garrett, B. (2001) *Individual Rights and Civil Responsibility*, The Right to Privacy, The Rosen Publishing Group, New York.
- [3] Миловски, К. (2023) Водич за јавните комунални претпријатија, Имплементација на Законот за заштита на личните податоци во Република Северна Македонија и осврт на општата регулатива на ЕУ за заштита на личните податоци (GDPR).
- [4] Наумовски, Г. At all (2013). *Право на информатичка технологија*, Скопје.
- [5] Универзална декларација за човекови права, on <https://www.coe.int/mk/web/compass/the-universal-declaration-of-human-rights-full-version> (10.3.2024)
- [6] Европска конвенција за човекови права, on [https://www.echr.coe.int/documents/d/echr/convention\\_mkd](https://www.echr.coe.int/documents/d/echr/convention_mkd) (10.3.2024)
- [7] Повелба за фундаментални права на ЕУ, on <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT> (10.3.2024)
- [8] Convention for the protection of individuals with regard to the processing of personal data, on <https://rm.coe.int/convention-108-convention-for-the-protection-of-individuals-with-regar/16808b36f1> (11.3.2024)
- [9] Guide to the Case-Law of the of the European Court of Human Rights – Data Protection, on [https://www.echr.coe.int/Documents/Guide\\_Data\\_protection\\_ENG.pdf](https://www.echr.coe.int/Documents/Guide_Data_protection_ENG.pdf) (11.3.2024)
- [10] General Data Protection Regulation – GDPR, on <https://gdpr-info.eu/> (11.3.2024)
- [11] Guidelines on Automated individual decisionmaking and Profiling for the purposes of Regulation, on <https://ec.europa.eu/newsroom/article29/items/612053> (11.3.2024)
- [12] Guidelines on Data Protection Officers on, <https://ec.europa.eu/newsroom/article29/items/612048/en> (11.3.2024)
- [13] Guidelines on the right to data portability, on <https://ec.europa.eu/newsroom/article29/items/611233/en> (11.3.2024)
- [14] Guidelines on Consent under Regulation 2016/679, on <https://ec.europa.eu/newsroom/article29/items/623051/en> (11.3.2024)
- [15] Закон за заштита на личните податоци, „Службен весник на Република Северна Македонија“ бр. 42/20 и 294/21
- [16] Устав на РСМ, on <https://www.sobranie.mk/content/Odluki%20USTAV/UstavSRSM.pdf> (12.3.2024)
- [17] <https://www.eumonitor.eu/9353000/1/j9vvik7m1c-3gyxp/vli6iyjgcqxh?ctx=vg9pj7ufwbwe> (11.3.2024)
- [18] <https://www.stat.gov.mk/PrikaziSoopstenie.aspx?id=77&rbr=14491> (12.3.2024)

## DIGITALNA ERA KAO IZAZOV ZA LJUDSKA PRAVA

**Rezime:** Način na koji zemlje odgovaraju na izazove koje donose globalizacija i digitalizacija ima veliki uticaj na život korisnika informaciono-komunikacionih tehnologija i društva u celini. U skladu sa međunarodnim i nacionalnim propisima, države su dužne da poštuju, štite, unapređuju i ostvaruju ljudska prava i slobode. To podrazumeva da države treba da usklade svoje nacionalne propise sa međunarodnim standardima u ovoj oblasti. Međunarodna saradnja je neophodna za razvoj etičkih smernica, standarda i propisa koji štite ljudska prava u digitalnom dobu. Zaštita ljudskih prava i vladavine prava u digitalnom svetu je od suštinskog značaja ne samo za zaštitu nacionalne, već i za međunarodnu bezbednost. Da bi odgovorile na izazove koje donosi digitalno doba, kao i da bi maksimizirale koristi od digitalizacije za ljudska prava, neophodno je da države poštuju pravo na privatnost i zaštitu ličnih podataka, odnosno da implementiraju čvrsto regulative za zaštitu ljudskih prava u digitalnom svetu. U društvu u kojem komunikacija i rad imaju nove, digitalne forme, neophodno je kritički analizirati sva pitanja vezana za ljudska prava koja mogu biti zloupotrebljena na internetu. Digitalna bezbednost podrazumeva dijalog kako bi se omogućio odgovarajući pristup ljudskim pravima u digitalnom svetu, debate koje uključuju zainteresovane strane, akcije za prevazilaženje digitalnog jaza, kroz razvoj infrastrukture i inicijative za digitalnu pismenost koje su ključne za obezbeđivanje jednakog pristupa digitalnim tehnologijama, odgovarajuće obrazovanje na svim nivoima u društvu, unapređenje digitalne pismenosti i inicijative za podizanje svesti građana za zaštitu njihovih prava, a posebno prava na privatnost i zaštitu podataka, kao i mogućnosti njihovog kršenja. Mehanizmi zaštite ljudskih prava na lokalnom, nacionalnom, regionalnom i međunarodnom nivou su deo ovog procesa.

**Ključne reči:** digitalna era, ljudska prava, onlajn prostor, pravo na privatnost, zaštita ličnih podataka