

Digital Human Rights: Prospects and Challenges of the Third Millennium

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Abstract:

The digital change in different areas of life-political, social, economic, and cultural-has resulted in new relationships among people, leading to new types of human rights. The internet era has significantly changed human existence and connections. Through others, it shifts from reality to the assumption that has become its current reality.

This effect has sped up in recent years because of the growth of artificial intelligence apps, which has complicated the system of basic human rights since the start of the third millennium, igniting global discussions on understanding these new rights, managing them, and safeguarding them in a digital setting.

The United Nations, along with its various agencies, regional states, and non-governmental organizations, has aimed to establish these rights, and their efforts continue to tackle the issue of creating an international legal

framework for digital human rights, just as it exists in physical reality.

Keywords: Human rights–Digital Age–Internet - Virtual Reality–Third Millennium - Digital Rights

Introduction:

The digital transformation in various fields of life, whether political, social, economic, or cultural, has led to the emergence of new categories of rights related to these areas. Humanity has benefited for decades from the invention of the computer, which changed many concepts and created new forms of communication and living among people.

It also opened new legal discussions about the information age and the binary system of zero and one in domestic legal systems, in many issues related to the system of civil and political rights, public or private, and the forms of violations that may limit them.

When the internet era began with the emergence of the World Wide Web and its availability to users after being exclusive to military purposes, it brought new horizons for humans in all fields to the extent that their lives and relationships with others shifted from reality and truth to the virtual world, which has become their contemporary reality.

This change has accelerated in recent years due to the growing momentum of information technology and the remarkable development of digital applications known as "artificial intelligence" applications, which has made human relationships with others and their environment increasingly complex in understanding their boundaries, especially within the system of their fundamental rights.

This situation is no longer concerning only at the domestic level but has also attracted international attention since the beginning of the third millennium towards understanding, organizing, and protecting what humans can exercise as rights in digital form, especially when dealing on the internet, where contents differ, relationships change, and a different response is required to establish new human rights.

This has emerged through the efforts of the United Nations and its various agencies, as well as non-governmental organizations, and

regional countries, to enshrine some of these emerging rights in a digital world. These efforts continue to this day and are yielding further gains in the international human rights system. What has already been achieved in the form of resolutions, declarations, and recommendations is merely the initial signs of this millennium.

Therefore, the problem of this research paper is: Have international efforts succeeded in establishing a system of human rights in the digital world as they have in the physical world? And have generations of digital human rights indeed emerged?

This study will attempt to answer this through the following axes:

- The features of digital human rights through their meaning and characteristics in the first axis.
- Identifying the categories of these rights through resolutions, recommendations, and international declarations in the second axis.

1.Digital human rights features

Through a set of resolutions, the early signs of the third millennium started to establish the boundaries of digital human rights. and suggestions It was challenging to create a single, comprehensive international strategy that included all of these essential rights that need to be regulated and protected.

Due to the internet age's rapid growth, as well as the wide range of resources and strategies available to nations in this field.

1.1. Definition of digital rights

This term originated based on the nature of this era, which is the digital age.¹ It is defined as "the right to have the opportunity to use the internet and digital technology freely and safely, as digital human rights are an extension of human rights derived from the Universal Declaration of Human Rights of 1948 and are consistent with the provisions of the International Covenant on Civil and Political Rights of 1966. Most international decisions in this regard have stipulated that the same rights enjoyed by people in the real world must also be protected on the internet."².

The term also refers to human rights that permit a person to utilize, create, access, and publish digital media, or to use computers, other electronic gadgets, or communication networks. As a result, it is particularly concerned with safeguarding and enforcing current rights, such as the right to confidentiality or freedom of expression in the context of new digital technologies, particularly the Internet.³

These rights can be interpreted as "private rights arising from fundamental rights formed in the digital age; where

fundamental rights of particular importance today, in relation to the development of information and communication technologies, are defined as 'digital' rights; or human rights when realized in the digital environment. Therefore, privacy, freedom of expression, the right to be forgotten, the right to information, and the right to the internet can all be digital."⁴.

The reality of this term is nothing but a venture into the unknown, and one of the harbingers of the third millennium, as it remains merely "an attempt to discuss its meaning based on what these rights include or the elements they contain due to their novelty." This is evident from the selected definitions above, as they all tend to transfer the classical concept of human rights to what is related to their use in virtual reality or the digital environment and to enhance them in that context only.

As for the trend towards an independent meaning of digital human rights, it has not yet been formed, given that the human rights system is still linked to physical reality, and some other rights do not differ in their classical naming even if practiced digitally by humans.

1.2. Characteristics of Digital Human Rights

The strong connection of human rights in the third millennium to the digital domain-where they almost transition from their tangible real-world sphere to another reality of a different nature, the virtual reality-has made them adapt their traditional characteristics accordingly.

Human rights have been characterized since their inception centuries ago, and their development through different eras to the present age, by indispensable features for building their legal system domestically and internationally, protecting them against potential or actual violations, and the cooperation of states in committing to prohibit such violations or intervene to guarantee them.⁵(Positive and negative rights).

These features have become specific in this virtual reality, as they must be universal and accessible to all due to their connection to the internet, absolute without restrictions, integrated and interconnected among themselves, evolving and highly changeable.

1.2.1. Universality of Digital Human Rights and Accessibility to All

The universality of these rights is linked to an essential right today in digital human rights, which is access to information on the internet, and prior to that, providing equal opportunities for

all humans to obtain this service on a wide scale.

This essential characteristic of human rights in this era is affirmed by a set of third millennium charters:

1.2.1.1. Internet Rights Charter of the Association for Progressive Communications (APC):

The Internet Rights Charter was established by the Advanced Communications Association at the Internet Rights Workshop of the Advanced Communications Association in Europe, held in Prague in February 2001.

The Advanced Communications Association stated that the ability to share information and communicate freely using the Internet is essential for the realization of human rights as embodied in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination Against Women.⁶

This document confirmed what we mentioned earlier about adding a new dimension to traditional human rights, which are the fundamental rights indicated by the international charter

when applied to the Internet, without referring to a new interpretation of these rights.

1.2.1.2. The World Summit on the Information Society (WSIS):

The World Summit on the Information Society (WSIS) was held in December 2003 under the auspices of the United Nations, and after lengthy negotiations between governments, companies, and civil society representatives, the Declaration of Principles of the World Summit on the Information Society was adopted.

However, the Declaration of the World Summit on the Information Society contains only a set of references to human rights and does not specify any measures or mechanisms to ensure that human rights are practically taken into account. ⁷

this is not a failure towards the practical realization of these rights, as I have always considered declarations of a global nature to be a legal and ethical reference for states to draft international charters and agreements, as well as local legislation. Therefore, they represent the true prelude of the third millennium towards the practical realization of further gains through specific mechanisms and procedures in subsequent efforts.

It is also fundamentally based on the same values and principles for

which humanity has struggled throughout history to enjoy its inherent human rights based on equality, dignity, and justice. Any subsequent international efforts must be based on making these rights available, including equal access to the internet for all, "since everyone is born free and equal in rights and dignity, and this principle must be achieved, respected, and protected in the internet environment... It is also incumbent upon everyone to respect the rights of others online."⁸

The universality of digital human rights does not mean the elimination of diversity and difference in culture, beliefs, and history.

And other circumstances surrounding those rights, as this cannot be a reason for discrimination, since "every individual has the right to access the content of the World Wide Web without discrimination or priority, or control of information...and it must be governed as social justice constitutes one of the legal and normative foundations that take into account the way of working on the network."⁹

Additionally, it should not in no manner does it endanger the rich variety of different people or cultures. The term "homogenization" is not synonymous with "globalism. " As it should be treating everyone with the same low standards, Every nation and society is free to establish and enforce greater and

more precise norms; ... Each nation and society must choose the best course of action based on their specific circumstances.¹⁰

It is essential to ensure gender equality (between women and men) and to guarantee the right of vulnerable groups to access the internet.¹¹ Like the rest of society.

1.2.2 Digital human rights are absolute. Within ethical boundaries

No cause justifies the erosion of digital human rights. They are inviolable. As the Universal Declaration of Human Rights and the two International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights have established, they are founded on the ideals of equality, non-discrimination, and freedom, which are an extension of what already exists in the physical world.

This has been confirmed by numerous recommendations, resolutions, and charters in the third millennium, extending what the above charters stipulated in the physical world.¹² However, this must be based on consideration of the capabilities of developing countries and the ethical requirements for using artificial intelligence applications.

This was highlighted by UNESCO's recommendation on the ethics of

artificial intelligence.¹³ Which listed the potential positive and negative effects of artificial intelligence on humanity in its introduction, and Regarded as a legitimate instrument under international law and concentrating on human rights, dignity, gender equality, social and economic justice, and social and economic progress. Body protection Environmental and ecosystem protection, yPsychology, diversity, interconnectedness, and inclusiveness may all offer the advice needed to guide artificial intelligence technologies. The cause is human direction. Misleading In accordance with the aims and principles of the UN Charter.

It also added that at the same time, the use of artificial intelligence raises fundamental ethical concerns regarding the biases that these means can entrench and exacerbate, which can lead to disparities and digital divides, exclusion, and threaten cultural, social, and biological diversity, as well as create social or economic gaps; and that justice, trust, and fairness must be established so that no country or individual is left behind, whether through the fair benefit from artificial intelligence technologies and enjoying their advantages, or through protection from their adverse consequences, while acknowledging the differing circumstances of various countries and respecting some people's desire not to

participate in all technological developments.¹⁴

1.2.3. The complementarity and interdependence of digital human rights

These rights are not limited to one aspect of human life, but encompass all its contents, physically and spiritually within the individual, and in the surrounding conditions related to these contents, all of which are equally important without preference.

However, these rights complement each other despite the absence of privilege among them, meaning there is no priority of one right over another, and what indicates this is that the infringement of one human right may obscure another right.

In the digital realm, for example, the right to access the internet and use it freely enhances the right to digital citizenship, as the starting point is to work on providing equal digital rights and supporting electronic access, and thus electronic exclusion makes achieving development difficult.¹⁵ Thus, these rights are interconnected and complement each other in the virtual reality, just as in the traditional practice of human rights.

1.2.4 Digital human rights are evolving and rapidly changing

The pace of these rights is accelerating noticeably, matching the intensity of the development of digital technology and artificial intelligence applications, unlike traditional human rights which took a long time to form, with their categories gradually succeeding each other according to the requirements of each era. Indeed, "human rights... are not the product of declarations or various international human rights documents issued by the United Nations... but are deeply rooted, spanning a long historical timeline throughout the rich history of all humanity; because they encompass all philosophies in ancient and modern societies, and all divine laws and religious messages."¹⁶

While technology rights have been a factor in enabling human societies to exercise individual and collective rights, the internet has also strengthened the requirements for economic, social, and political development, and has contributed to the development of other rights across generations.¹⁷ Therefore, it can be said that these rights arose rapidly because they are connected to digital technology, which is evolving at the speed of light.

2. Digital human rights categories

The key emerging categories-the right to the internet and free access to it for everyone, the right to privacy in the digital world, the freedom of opinion

and expression digitally, the right to digital identity, and the right to digital knowledge-can be observed so far by tracing the early signs of the third millennium in the organization of human rights in a virtual reality, through the set of important international resolutions on this matter since its beginning, in addition to regional efforts. This is not a set categorization, but rather a choice of what I have seen. It attempts to categorize its types rather than describe them in detail.

2.1. The Right to the Internet and Free Access to It

Providing access to information, which today has a digital nature, supports the trend towards establishing, entrenching, guaranteeing, and seriously protecting this right through systematic efforts. Access to the Internet is now considered a right guaranteed by national laws and pursued by international declarations and conferences, even though this right has a factual basis in obtaining information about our surroundings for thousands of years.

However, "the right to access information has become one of the most prominent features of the digital revolution, as the internet world has provided equal opportunities for all humans in terms of access... and any deprivation of this is considered a

violation of this human right in the digital age."¹⁸.

But do all humans really have the right to the internet and access it on an equal basis?

Prior to the 2022 Rights Summit, the Office of the High Commissioner for Human Rights released a statement highlighting the digital divide among communities, noting that 3.7 billion people, the majority of whom are women and most of whom live in developing nations, are still offline while advanced economies are moving toward digital transformation.¹⁹.

This figure is highly significant because it represents almost half of the world's population who do not have access to internet services at all.²⁰.

The threat to children's digital opportunities worldwide also represents another form of inequality in access to the internet for all. Reports indicate a digital divide that prevents millions of children from accessing this right, not to mention the illicit use of the internet against this vulnerable group, which is supposed to be more protected than others under international law. The internet becomes a breeding ground for illegal practices against them, including sexual abuse, concealing their trafficking, and inhumane practices such as digital dependency and the

potential impact on brain development.²¹

2.2. The right to a digital identity

The harbingers of the third millennium had an impact on digital identity, when "the problem of privacy began to emerge."

Early 2000s...when the search engine became Google a mirror reflecting the identity of the large audience whose indexed pages exceeded three billion pages by the end of 2002²².

Digital identity is therefore the sum of the digital traces we leave behind consciously or unconsciously throughout our browsing on the internet... These digital traces are actually linked to the personal data of the browser (places visited, activities and behaviors such as searching for topics or purchases, time spent visiting websites), as well as to opinions posted on forums and blogs, product reviews on marketing sites, posts of content of all kinds (texts, images on Facebook, videos on YouTube, tweets on Twitter, ...), and also to the traces created by internet users themselves with the aim of representation and being seen by others.²³

This identity, just like in reality, needs protection, and ways to preserve it against various violations, but it goes further by supporting its performance in "Second Life." ²⁴.

Therefore, international efforts in the third millennium seek to undermine the risks that violate this identity, and to establish international foundations and standards that countries commit to, so as not to make new technologies a means of systematic surveillance of what people say online, including the collection and analysis of social media posts, or failing to adequately inform the public about those activities carried out, or changing the intended use of surveillance tools that may initially serve legitimate purposes to serve goals for which they were not originally intended ²⁵.

2.3. The Right to Digital Privacy

This right is one of the digital human rights of broad interest at the international and local levels, and it is associated with many negative international obligations as a civil right, which requires non-interference in its enjoyment.

2.3.1 The Scope of the right to digital privacy

The General Assembly has confirmed. Once more The court's ruling on digital privacy upheld the fundamental right to privacy, which may not be infringed upon. Yperson for to Ted Khtothe arbitrary or unfair the Legally, in his privacy, or in issues pertaining to his family, house, or communication. His right to be shielded

by the law from such meddling, and the acknowledgment that the right to privacy is necessary for the exercise of the rights to free speech and opinion without harassment. , The right to be free It is founded on fundamental principles like the freedom to assemble peacefully and establish organizations. The The enjoyment of democracy²⁶.

The most recent decision, A/HRC/48/31, The Right to Privacy in the Digital Age, 2021, is between the multifaceted effects of increased use of artificial intelligence (AI) on the enjoyment of the right to privacy and related rights, and steadily. He emphasized the pressing need to prohibit the manufacturing and usage of artificial intelligence systems. Human rights are in danger from artificial intelligence until adequate safeguards are put in place. Additionally, it advocates for a prohibition on AI applications that are incompatible with international human rights legislation.²⁷

2.3.2. Digital privacy rights regulations

The General Assembly emphasized in its resolution that the illegal or arbitrary monitoring and/or interception of communications, and the illegal or arbitrary collection of personal data, are acts that violate the right to privacy and may also affect the right to freedom of expression. They may also

conflict with the principles of a democratic society.

The High Commissioner for Human Rights also highlighted in the latest report on the right to privacy in the digital age the risks posed by spyware and surveillance programs. The report addressed three main areas: the abuse by state authorities of intrusive computer hacking tools ("spyware"), the key role of strong encryption in ensuring the protection of human rights online, and the effects of widespread digital surveillance of public places, both online and offline. It stated that states can only use such measures "to prevent a specific act that amounts to a serious threat to national security or a specific serious crime or for the purposes of investigating that." The Commission also called on states to avoid taking steps that could weaken encryption, including imposing so-called backdoors that allow access to encrypted data of individuals or systematic inspection of personal devices, known as client-side scanning.²⁸

2.4. Freedom of opinion and expression digitally

Everyone has the right to freedom of opinion and expression as a necessary foundation for the information society. As stated in Article 19 of the Universal Declaration of Human Rights, this right includes the freedom to hold opinions without

interference, as well as the right to seek, receive and impart information and ideas through any media and regardless of frontiers.²⁹.

Therefore, the Global Network Initiative was established (GNI) adopted its "Principles of Freedom of Expression and Privacy" on October 29, 2008. The initiative was launched on the sixtieth anniversary of the Universal Declaration of Human Rights (UDHR) and is based on internationally accepted human rights standards relating to freedom of expression.

The privacy outlined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR)³⁰.

The recommendations of the UN Special Rapporteur also contributed to strengthening and protecting the right to freedom of opinion and expression, as outlined in a report issued in May 2011, submitted to the Human Rights Council of the UN General Assembly, which contained several recommendations affecting the issue of internet access.³¹.

2.5. The right to digital knowledge

The transformations that will occur in the "post-information society" will significantly lead to the reshaping of many concepts based on the foundation of "information overload" and massive

"communication" and the tremendous capacity for data processing, indicating that humanity is in a transitional phase, and that what is coming will be stranger and perhaps crazier."³².

This is how this phase has been described, in which the right to knowledge has become extremely broad and rapid to the point of saturation. This has been contributed to by the continuous development of digital technology and artificial intelligence applications, the latest of which is the "ChatGPT" program, for example, which the innovative company is still working on developing with a capacity more than five times greater. Consequently, linking data and information massively increases the horizons of human knowledge.

If we describe the right to digital knowledge in numbers, "we find more than 4.9 billion active internet users and about 4.3 billion accessing 198 million active websites via their smartphones, with more than 7 million articles published daily, and over 500 hours of videos uploaded to YouTube every minute, so that users now spend more than 6 hours daily on the internet."."33.

Therefore, "UNESCO seeks to advance in building knowledge societies and preparing the sustainable development plan post-2015 within the framework of this new concept, the 'Internet Globalization,' which includes

and even goes beyond the generalization of benefiting from it and from information and communication technologies, and forming many related fields of work for the upcoming strategic period."³⁴.

Conclusion:

There have been many attempts to define the meaning of digital human rights, but they have tended to focus on the exercise of traditional fundamental rights in a digital environment.

However, the indications of the third millennium, through international efforts to promote the exercise of certain rights in a digital world, may have a future impact on formulating an independent theory for regulating and protecting these rights, based on the traditional principles that have existed since ancient times, namely equality, freedom, and human dignity.

This system is cumulative and will not abandon the gains of thousands of years of struggle and demands for the enjoyment of innate human rights, but those digital rights can be considered special rights emerging from fundamental rights formed in the digital age, with characteristics that require special regulation.

Results:

International efforts to regulate the most important digital human rights

that have emerged so far have intensified, based on what has been reviewed from declarations, international decisions, and recommendations, which include the following types:

- 1- Freedom of access to the internet
- 2- The right to digital privacy
- 3- The right to digital identity
- 4- Freedom of opinion and digital expression
- 5- The right to digital knowledge

This was achieved through a series of decisions, recommendations, and reports, as follows:

- Human Rights Council Resolution 31/32 concerning the promotion and protection of human rights on the Internet in July 2016
- General Assembly Resolution 199/71 on the right to privacy in the digital age, 71st session, January 2017.
- Recommendations of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 2011.
- UNESCO Recommendation on the Ethics of Artificial Intelligence in 2021.

Recommendations:

1. The term "digital human rights" must be defined in consistency with the contents of declarations and newly developed international human rights conventions, especially since these rights stem from fundamental rights but have particularities that may affect their concept.

2. Establish the practical principles underpinning the digital human rights system regarding access to the Internet, equality, and freedom of information.

3. Define the categories of emerging digital human rights in international conventions that mirror those related to

material rights in classical conventions in terms of their organization into specific types and how they are exercised digitally.

4. Work on establishing international conventions specifically for vulnerable groups in exercising their digital human rights.

5. Develop practical procedures to protect these categories of rights before competent international courts and committees that examine violations and issue decisions or rulings in this regard.

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²⁷Resolution A/HRC/48/31 The Right to Privacy in the Digital Age 2021

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