RIGHTS IN THE DIGITAL ERA

Online and offline: Civil and political rights

Digitally specific

The right to freedom of speech and expression

The right to freedom of association and assembly

The right to nondiscrimination

The right to fair trial

The right to digital privacy

Article 44 of the Constitution of the Dominican Republic 2015:

'All people have the right to privacy. The respect and non-interference into private and family life, the home, and private correspondence are quaranteed. ...

The inviolability of private correspondence, documents, or messages in physical, digital, electronic, or all other formats is recognized ...'

Article 2(6) of the Constitution of Peru (1993):
'Every person has the right: ...

To the assurance that information services, whether computerized or not, whether public or private, will not provide information affecting personal and family privacy.'

The right to data protection and prohibition against unauthorized data collection

See for example article 9(A) of the Constitution of Greece (1975):

'All persons have the right to be protected from the collection, processing and use, especially by electronic means, of their personal data, as specified by law. The protection of personal data is ensured by an independent authority, which is constituted and operates as specified by law.'

The right to informational self-determination and the right to be forgotten

See for example article 35(1) of the Constitution of Portugal (1976):

'Every citizen shall possess the right to access to all computerised data that concern him, to require that they be corrected and updated, and to be informed of the purpose for which they are intended, all as laid down by law. ...'

See for example article 21A of the Canton of Geneve (substate Constitution): 'Everyone has the right to safeguard their digital integrity.

Digital integrity includes, in particular, the right to be protected against misuse of data relating to his or her digital life, the right to security in the digital space, the right to an offline life and the right to be forgotten. ...'

The right to Internet access and digital connectivity

See for example article 6(3) of Mexico (1917, rev. 2015): 'The State shall quarantee access to information and communication technology, access to the services of radio broadcast, telecommunications and broadband Internet. To that end, the State shall establish effective competition conditions for the provision of such services.'

The right to freedom of information and access to government information

See for example article 2(4) of the Constitution of Peru 1993: 'To freedom of information, opinion, expression, and dissemination of thought, whether oral, written, or in images, through any medium of social communication, and without previous authorization. censorship, or impediment, under penalty of law.

The State promotes the use of information and communication technologies throughout the country.' Right to digital participation, inclusion and education

See for example article 21A(4) of the Canton of Geneva (substate Constitution): 'The Canton promotes digital inclusion and raises awareness of digital issues.'

See also Chile's 2022 draft constitution (rejected), article 152: 'Citizens have the right to participate in an incident or binding manner in matters of public interest. It is the duty of the State to give adequate publicity to the mechanisms of democracy, tending to favor a broad deliberation of the people, in accordance with this Constitution and the laws.

The public authorities shall facilitate the participation of the people in the political, economic, cultural and social life of the country. It will be the duty of each organ of the State to have the mechanisms to promote and ensure the participation and deliberation of citizens in the management of public affairs, including digital media [alt. translation: through digital means]

The law shall regulate the use of digital tools in the implementation of the participation mechanisms established in this Constitution and which are different from suffrage, seeking that their use promotes the highest possible participation in such processes, as well as the widest possible information, transparency, security and accessibility of the process fo all persons without distinction.'

Article 90: 'Everyone has the right to digital education, to the development of knowledge, thought and technological language, as well as to enjoy its benefits. The State shall ensure that everyone can exercise their rights in digital spaces by creating public policies and financing free plans and programmes for this nurrose'

The right to disconnection and to remain offline

See for example Chile's 2022 draft constitution (rejected), article 46(1) 'Everyone has the right to work and to free choice of employment. The state quarantees decent work and its protection. This includes the right to fair working conditions, to health and safety at work, to rest, to leisure time, to digital disconnection, to guaranteed compensation and to full respect for fundamental rights in

the context of work.'

The right to cyber security

See for example Chile's 2022 draft constitution (rejected), article 88: 'Every person has the right to the protection and promotion of computer security. The State and individuals must adopt the appropriate and necessary measures to guarantee the integrity, confidentiality, availability and resilience of the information contained in the computer systems they manage, except in the cases expressly indicated by law."



