

Human Rights in the Digital Age under the US and the UK Legal Regulation

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The rise of technology has changed the nature of the information that is being broadcast on online platforms. It is possible to revive dead people, disseminate violent content and create videos or photos, using the image and voice of a person who did not give consent to this. First of all, this online content can be misleading. Second of all, it may be used for fraudulent purposes.

At present legislative efforts are being taken in this area, restricting freedom and targeting online harms on social media. The right to freedom of speech is on a razor's edge. As stated in Article 19 of the Universal Declaration of Human Rights, every individual is entitled to the freedom to seek, receive and impart information through any media. The primary dilemma in contemporary legal discourse is crafting regulations that effectively address harmful online content without undermining fundamental human rights, particularly free speech rights.

The legal measures are being introduced to ensure the expansive protection of free speech under the First Amendment. The Supreme Court's interpretation of this Amendment is the following. Regardless of how detrimental an opinion or an idea may seem, Americans are obliged to rely on the competition of ideas, not on its correction by judges. Section 230 of the Communication Decency Act set sweeping immunities for online platforms by not treating them as the publisher or speaker of any content, i.e. online platforms are exempt from liability. The Hateful Conduct Law prohibits the use of social media networks to provoke violence based on the race, colour and religion. The legislation imposes no obligation on digital platforms to eradicate «hateful conduct» and refrains from establishing legal liability for users who engage in it. However, the statute's failure to clearly define its core terminology creates ambiguity, leading individuals to speculate whether phrases like «BlackLivesMatter» or «BlueLivesMatter» fall under its scope. Consequently, the lack of clarity serves as a deterrent, prompting individuals to self-censor and question what forms of expression remain safe from state sanction. The above-mentioned laws would likely exacerbate online harms, instead of reducing them.

In the UK the constitutional restraints are weaker. The Online Safety Act (OSA) is aimed at tackling such harms as cyber-bullying, hate speech, fraud, terrorism and disinformation. This Act imposes fines up to £ 18 million or up to 10% of a service's annual revenue (which is greater) for not removing harmful content. The OSA also gives nebulous definition of harm. Therefore, online media platforms are forced to delete even legal content to avoid these sanctions. Besides, platforms rely on automated tools to identify problematic content. This approach causes a risk of the over-removal of speech. In addition to imposing duties on online media platforms, the OSA also implements new communications offences. Under this act, liability extends to users who express knowingly false information with the aim of causing a degree of harm described as «non-trivial». However, the statute leaves «non-trivial» harm entirely undefined, causing questions about its application. Thus, the UK framework raises concern regarding the appropriate protection of speech.

Conclusion

- 1) Laws in the US and the UK offer poor definitions of key terms.

- 2) The US approach in dealing with online harms only contributes to the dissemination of them.
- 3) The UK approach puts the right to freedom of speech into jeopardy and obstructs healthy public discourse.
- 4) The government interference should be proportioned to the legitimate aim.
- 5) Human rights-based approaches must be adopted to mitigate risks from harmful online content.

Источники и литература

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