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The Digital Age and Human Rights: Challenges in International Law

Abstract: In the era of digitalization, human rights are undergoing significant changes, requiring the adaptation of international law to new challenges. The article examines the main aspects of human transformation under the influence of digital technologies such as the Internet, artificial intelligence and big data. The emphasis is placed on the issues of privacy, digital inequality, and threats associated with the use of algorithms. Examples of human rights violations are analyzed, as well as the impact of digital technologies on freedom of expression, access to information and protection from discrimination. The research methodology is based on the analysis of international legal documents, scientific theories and doctrines in the field of human rights. The author draws attention to the role of international law in protecting human rights in the digital age. The study includes both theoretical and empirical analysis, reflecting the impact of digitalization on fundamental human rights. The results of the study show that the international community is faced with the need to create new mechanisms of legal protection. An important aspect is global cooperation and the development of universal standards for regulating the digital space, preventing discrimination against algorithms and protecting vulnerable groups.

Keywords: digitalization, human rights, international law, data privacy, artificial intelligence.

In the modern era of digitalization, human rights in international law are undergoing significant transformations, going beyond traditional concepts. If previously the main focus was on protecting basic freedoms, such as the right to life, freedom of speech and protection from discrimination, today digital technologies pose new challenges to society. The Internet, social networks, artificial intelligence and big data create unique problems related to the protection of privacy, information security and access to digital resources. The problem of personal data management is becoming especially relevant. In the modern world, almost all information about a person - from his preferences and location to financial transactions and biometric data - is stored in digital spaces. Companies such

as Google, Meta (Facebook), Amazon and others have huge volumes of personal data of billions of users. J. Taplin talks about the concentration of power among digital giants: Google controls 90% of the global contextual advertising market, Facebook - 77% of mobile social network traffic, and Amazon owns 75% of the e-book market, which also poses a threat to economic equality and the right to access information¹.

Critically, most of these companies are privately owned and often operate outside the scope of national regulation. This creates the risk of concentrating power over personal information in the hands of a small number of individuals and organizations. Private companies can use data for their own interests, which threatens such fundamental human rights as the right to privacy and security. Thus, human rights in the digital age require not only a rethinking, but also the development of new protection mechanisms, especially at the international level.

The international legal basis of human rights in international law.

Human rights are the inalienable and universal property of every human being, regardless of race, sex, religion or other characteristics. They include the right to life, liberty and protection from discrimination, slavery and torture, as well as freedom of expression, work and education. International law imposes on states the duty to protect human rights by observing certain actions or refraining from violating them². The United Nations has developed a universal body of law that regulates the protection of civil, cultural, economic, political and social rights. The basis of this body of law is the **UN Charter**³ and the **Universal Declaration of Human Rights**⁴, adopted in 1948, which enshrines the fundamental rights requiring protection at the international level. Together with the International

¹ Taplin J. Is It Time to Break Up Google? // New Times. 2017. April 22. URL: <https://www.nytimes.com/2017/04/22/opinion/sunday/is-it-time-to-break-up-google.html>

² International Human Rights Law // <https://www.un.org/ru/global-issues/human-rights>

³ United Nations Charter // <https://www.un.org/en/about-us/un-charter>

⁴ The Universal Declaration of Human Rights (UDHR) // 10 December 1948 // (General Assembly resolution 217 A) // <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

Covenants, the Declaration forms **the International Bill of Human Rights**¹.

Development and expansion of the concept of human rights in international law.

The digital era has brought significant changes to the concept of human rights, expanding traditional ideas about them. If earlier the emphasis was placed on such fundamental rights as freedom of speech, privacy and access to information, today these rights are acquiring a new meaning in the context of digital technologies. The development of the Internet, big data and artificial intelligence has created both new opportunities and serious challenges that require a legal response. E.Lukasheva in her scientific work says that human rights evolve depending on the change in the social environment, and in the digital era, they require revision and supplementation². With which I could not disagree, since one of the key changes was the emergence **of new digital rights**. I cannot help but agree, as one of the key changes has been the emergence of new digital rights. M.Buryanov introduces the concept of "global digital human rights" as a new category, including the right to access the Internet and digital technologies, the right to protect personal data, including biometric and genetic data, the right to protection from digital inequality and AI manipulation³.

The right to digital privacy, which is becoming especially relevant in the context of mass data collection and analysis. Users' personal information is often at risk due to the opaque activities of technology giants and the lack of sufficient protection mechanisms. People should be able to control their data and decide how and by whom it is used. The digital era has already provided many examples that demonstrate how new technologies affect human rights and require effective legal solutions. One of the striking examples was the Facebook and Cambridge Analytica case, when the personal data of millions of users

was used without their consent to manipulate political processes. As noted by E.Chereshnev, the founder of the technology company Biolink.Tech, "People do not sense the catch, agree to any terms of the application and start giving away a lot of personal information about themselves and their friends"⁴. This case showed how corporations can violate the right to privacy and use personal data for purposes that users do not even suspect.

In addition, the digital age has created a need to recognize **the right to access the Internet** as a basic human need. The Internet has become an integral part of modern society, providing access to information, education, and economic opportunities. Limited or no access to the network leads to digital inequality and isolation, hindering the exercise of other human rights. In many countries, authorities resort to blocking the Internet during crises and protests. For example, according to the BBC Russian Service, restrictions were imposed on the use of Gmail, Instagram, WhatsApp, and Facebook in Iran, significantly limiting citizens' freedom of information and communication⁵. Such actions raise concerns in the context of compliance with international obligations to protect the right to access information and freedom of expression⁶.

Additionally, the right to protection against algorithmic manipulation and "digital slavery" is equally significant; the algorithms that drive modern platforms can influence people's consciousness, shaping their opinions and behaviors. This raises serious ethical and legal issues, especially when technologies are used for manipulation or control. Meanwhile, Nick Bostrom warns that the development of artificial intelligence may lead to a technological singularity, when AI becomes smarter than humans and begins to make life and death decisions without human participation⁷. Therefore, digitalization not only transforms traditional human rights, but also requires the recognition of new rights that reflect the challenges of the modern world. In the context of rapid technological development, it is especially important to ensure a balance between progress and the protection of human dignity and freedom. It

¹ International Bill of Human Rights // <https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights>

² Lukasheva, E.A. (2009). Rossiiskaya tsivilizatsiya i prava cheloveka [Russian Civilization and Human Rights]. In: Vseobshchaya deklaratsiya prav cheloveka: universalizm i mnogoobrazie optyov [The Universal Declaration of Human Rights: Universalism and Variety of Experiences]. Moscow: Institut gosudarstva i prava RAN, pp. 53–69.

³ Buryanov M. S. Global digital human rights in the context of digitalization risks // Century of globalization. 2020. No. 3. URL: <https://cyberleninka.ru/article/n/globalnye-tsifrovye-prava-cheloveka-v-kontekste-riskov-tsifrovizatsii> (date of access: 12/16/2024).

⁴ Facebook and Cambridge Analytica scandal. // <https://www.bbc.com/russian/features-43475612>

⁵ Facebook and Cambridge Analytica scandal. // <https://www.bbc.com/russian/features-43475612>

⁶ Total blocking of the Internet: what does it look like in Iran? // <https://www.bbc.com/russian/features-50507959>

⁷ Bostrom N. Superintelligence: Paths, Dangers, Strategies Reprint Edition. Oxford : Oxford University Press, 2014. https://www.researchgate.net/publication/285393594_Nic_k_Bostrom_Superintelligence_Paths_Dangers_Strategies

should also be noted that artificial intelligence technologies sometimes increase inequality and discrimination. For example, algorithms used in hiring systems or credit ratings can make decisions based on biased data. In the United States, there have been cases where AI favored men in resume screening, **the right to equality and protection** from discrimination¹. Additionally, a study conducted by Bloomberg found that AI models like GPT-3.5 can exhibit racial bias when ranking job seekers' resumes, favoring names more typical of certain demographic groups over others². These cases highlight the need to develop and implement measures to prevent discrimination and bias in AI algorithms, especially in critical areas such as hiring and credit scoring.

At the same time, in the digital era, the protection of human rights faces numerous challenges that require a global approach and coordinated action, which is an important aspect of legal regulation today. One of the key issues is the lack of a unified international regulatory system. I. Lukashuk in his work comes to the following opinion: the creation of a global law that will take into account the risks of digitalization and ensure the sustainable development of society³. A. D. Ursul has a similar opinion⁴. Different countries are developing their own approaches to the protection of digital rights, which leads to the fragmentation of legislation. For example, the European Union has a strict General Data Protection Regulation (GDPR)⁵, which focuses on the protection of privacy and transparency of data processing. At the same time, in the United States, the approach is less centralized and focused on business interests. Such differences complicate the development of uniform international standards. In addition to the lack of international universal norms aimed at resolving the integration of digitalization and law. There are such issues as digital inequality, which also remains

an unresolved issue. Today, gaps in access to the Internet and modern technologies persist between countries, especially in developing regions, where millions of people are deprived of access to digital resources. Vulnerable groups such as women, children, and people living in poor regions are particularly affected by these inequalities, which hinder their access to education, health care, and other vital services.

The issue of privacy threats is becoming increasingly acute. Antonio Guterres (UN Secretary General), speaking at the AI Security Summit in London, notes that digitalization is developing so rapidly that society does not have time to respond to its risks. Technologies bring not only benefits, but also threats: mass surveillance, interference in privacy and the dissemination of false information. Also, the Secretary General stated that the principles of AI governance should be based on the UN Charter and the Universal Declaration of Human Rights⁶. Based on the principles of international law - human rights, mass surveillance by states and corporations violates the right to privacy, there are many states that use surveillance technologies to control citizens, which raises concerns about the observance of human rights. M.A. Gracheva emphasizes that mass surveillance is a violation of the right to privacy, even if the data is collected in public places, for example, through GPS or tracking systems⁷. Corporations, tech giants that hold extremely sensitive data, process huge amounts of personal data, often without sufficient transparency or consent from users, which also poses a threat to individual privacy. These issues highlight the need for international cooperation, the development of universal standards and the introduction of ethical principles into the digital sphere. This is the only way to ensure respect for human rights in the context of rapid technological progress.

The Role of International Organizations in Ensuring Human Rights in the Digital Age. The digital age has brought significant changes to the field of human

¹ Elena Vetrova. Bias in Artificial Intelligence: Exposing https://virtre.ru/articles/artificial-intelligence/predvzyatost-v-iskusstvennom-intellektrazoblachenie?utm_source

² ChatGPT found to be subject to racial bias // https://roskomsvoboda.org/ru/post/ai-stereotype/?utm_source

³ Lukashuk I. I. Globalizatsiya i pravo [Globalization and Law] // Gosudarstvo i pravo. 2005. No. 12. Pp. 112–115.

⁴ Ursul A. D. Globalizatsiya prava i global'noye pravo: kontseptual'no-metodologicheskiye problemy [Globalization of Law and Global Law: Conceptual and Methodological Problems] // Pravo i politika. 2012. No. 8. Pp. 1284–1297.

⁵ General Data Protection Regulation (GDPR) <https://gdpr-info.eu/>

⁶ António Guterres: AI governance principles should be based on the UN Charter and the Universal Declaration of Human Rights | UN News (2023) United Nations. Available at: <https://news.un.org/en/story/2023/11/1446457> (Accessed: 16 December 2024).

⁷ Gracheva, M.A. (2017). Pravo cheloveka na uvazhenie chastnoi zhizni i ego zashchita v Evropeiskom sude po pravam cheloveka [The Human Right to Respect for Private Life and Protection in the European Court of Human Rights]. Mezhdunarodnyi zhurnal konstitutsionnogo i gosudarstvennogo prava [International Journal of Constitutional and State Law], (1), pp. 55–61.

rights, creating new opportunities but also posing significant challenges. International organizations play a key role in developing norms, monitoring compliance and protecting human rights in the context of rapid technological progress. International organizations today have a great prerogative in establishing specific and clear international norms regarding human rights. For example, on December 17, 2018, the UN General Assembly, at its seventy-third session, adopted a resolution on the right to privacy in the digital age¹. This document considers the right of every person to privacy, which protects against arbitrary or unlawful interference with private and family life, as well as against unlawful interference with home or correspondence, and guaranteeing the right to protection from such actions provided by law, it should be marked down that respect for this right plays a key role in ensuring freedom of expression, opinion, as well as the right to peaceful assembly and association. This right serves as one of the foundations of a democratic society. However, this document also notes that surveillance of digital communications must strictly comply with international human rights obligations and be based on a legal framework that is accessible, transparent, non-discriminatory and ensures clarity and accuracy, while any interference with the right to privacy is allowed only in compliance with the principles of reasonableness, proportionality and focus on achieving legitimate aims².

It's worth mentioning that the resolution focuses on the responsibilities of states and commercial organizations to ensure the protection of this right in the context of digitalization. States are encouraged to review legislation governing surveillance, data collection and processing to make certain compliance with international human rights standards, and to establish independent oversight mechanisms and effective remedies. Particular attention is paid to preventing arbitrary and unlawful interference with privacy, including regulation of mass data collection and the need for consent for its use.

The UN system has many branches, from the main organs, specialized agencies and committees to subsidiary organizations and commissions. Important

among them in the field of human rights is the Human Rights Committee, consisting of independent experts who monitor the implementation of the International Covenant on Civil and Political Rights by States parties³. According to Article 19, paragraph 2 of the Covenant, "Everyone has the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice"⁴. The Human Rights Committee plays an important role in ensuring the realization of the right to freedom of expression, striving to ensure that the digital age becomes a tool for strengthening democracy rather than suppressing rights and freedoms. In addition, the Committee recommends that States adapt their legal frameworks to the new realities associated with digitalization, including the regulation of social networks and digital communication platforms. Particular attention is paid to the protection of vulnerable groups, including journalists, human rights defenders and civil society activists, who often face threats and persecution in the online space. Based on the Covenant, the Committee gives general comments to the state party for the implementation of the specified shortcomings based on the periodic reports of countries. At the same time, according to the optional protocol, any person who has suffered a violation of his rights specified in the Covenants has the right to file an individual complaint to ensure and protect human rights. However, it should be noted that in order to file individual complaints, a citizen who belongs to a country party to the Covenant must exhaust national mechanisms for the protection of his rights.

In addition to the UN system and its specialized mechanisms, there are a number of other international mechanisms aimed at protecting human rights in the context of digitalization. These mechanisms bring together various international organizations, regional institutions and initiatives that work to adapt human rights to the challenges of the digital age.

For example, the ECHR plays an important role in protecting the right to privacy and freedom of expression in the digital space. According to the European Con-

¹ UN (2018) Resolution adopted by the General Assembly on 17 December 2018. Available at: <https://documents.un.org/doc/undoc/gen/n18/452/00/pdf/n1845200.pdf> (Accessed: 16 December 2024).

² UN (2018) Resolution adopted by the General Assembly on 17 December 2018. Available at: <https://documents.un.org/doc/undoc/gen/n18/452/00/pdf/n1845200.pdf> (Accessed: 16 December 2024).

³ Human Rights Committee | ohchr. Available at: <https://www.ohchr.org/en/treaty-bodies/ccpr> (Accessed: 16 December 2024).

⁴ International Covenant on Civil and Political Rights // Entry into force: 23 March 1976, in accordance with Article 49 // https://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml

vention on Human Rights, the Court considers cases related to unlawful state interference, including mass surveillance, restrictions on access to information and violations of the right to freedom of expression on the Internet¹. The analogue of the ECHR is the Inter-American Human Rights System, where the Inter-American Commission and the Inter-American Court of Human Rights consider cases related to violations of digital rights in the Latin American region. The Council of Europe is also actively working on developing legal instruments to regulate the digital environment. For example, the Convention on Cybercrime (Budapest Convention) aims to combat cybercrime, including data protection and the fight against illegal access to information². These mechanisms play a key role in protecting human rights in the digital age, forming a comprehensive approach to solving problems related to privacy, freedom of expression, digital inequality and the ethical use of new technologies.

In the digital age, human rights face unprecedented challenges that require the adaptation of international law and the creation of new protection mechanisms. The large-scale use of digital technologies, artificial intelligence and data collection exacerbates issues of privacy, freedom of expression, equal access to information and protection from discrimination. International organizations such as the UN, the ECHR and regional institutions play a key role in developing standards, monitoring compliance and protecting digital rights. However, existing mechanisms require further improvement to cope with new threats, ensuring a balance between technological progress and the protection of human rights. Only through international cooperation and concerted action fundamental rights and freedoms can be guaranteed in the face of rapid technological development.

¹ The European Convention on Human Rights and its protocols.
// <https://www.coe.int/en/web/compass/the-european-convention-on-human-rights-and-its-protocols>

² Budapest Convention // <https://www.coe.int/en/web/impact-convention-human-rights/convention-on-cybercrime#/>