
NAVIGATING THE INTERSECTION OF CYBERSECURITY PROTOCOLS AND FREEDOM OF EXPRESSION IN THE DIGITAL AGE

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ABSTRACT

The present research delves into the intricate correlation between cybersecurity protocols and the freedom of expression, considering the rights of individuals in the digital age. Strong internet security is necessary, yet the principles of free speech are at odds with each other since almost every action taken online turns becomes an act of expression. Based on international human rights agreements, such as the International Covenant on Civil and Political Rights, the freedom of expression confronts complex obstacles in a digital environment that is changing quickly. The safeguarding of free expression in the virtual realm is crucial, especially in India, a nation renowned for its democratic principles and abundant cultural variety. Legal frameworks, moral issues, and the relationship between free speech and privacy are all covered in detail in this study. To address new issues like hate speech on the internet, it emphasises the need for extensive statutory rules and moral standards. The commitment to navigating this intricate interaction underpinned by lasting human rights values is emphasized in the conclusion, which ensures a robust and inclusive digital ecosystem that strikes a balance between changing security concerns and individual liberty.

Keywords: Freedom of Expression, Human Rights, Legal system, Privacy

Introduction

In the modern world, almost every act online is an act of expression. Digital technologies are widespread and online communication is growing rapidly, the relationship between cybersecurity precautions and free expression rights has become critical. The digital world is a dynamic environment where concepts, data, and expressions move across barriers virtually and at a speed never seen before. There is an inherent conflict that develops when the ideals of free speech and individual liberty collide with the need to strengthen internet security, which is frequently motivated by the need to defend against cyberattacks.¹ People now have unparalleled access to knowledge and a worldwide platform for self-expression because to the internet's growth.

Human rights are a collection of standards that regulate how states and non-state entities treat people and groups based on moral beliefs about what society views as essential to a good existence. These standards are included into national and international legal frameworks, which outline the processes and procedures to hold those in charge accountable and offer compensation to those who claim they have been violated in their human rights.² Democracy depends on the right to free speech, and the media protects this right. The public domain has become more democratic thanks to digital technology, but these new developments also raise concerns about the boundaries of free speech. In addition to being a legal issue, freedom of expression also raises moral and ethical concerns. In the end, everything comes down to the UN Universal Declaration of Human Rights, which states that all people are created equally.³

The Right to Free Speech in the Digital Sphere

In recent years, most people agree that protecting free speech is a good thing. The consequences of new technologies for the right to privacy are rarely acknowledged, even while States and human rights organisations frequently talk about supporting free expression and stress the value of allowing access to and use of the internet and new technology. The UN Human Rights Committee last published a General Comment on the right to privacy before the majority of contemporary technologies, including the internet, were widely used. It continues to ignore

¹ Carly Nyst, *Two Sides of the Same Coin – the Right to Privacy and Freedom of Expression*, PRIVACY INTERNATIONAL (2018), <https://privacyinternational.org/blog/1111/two-sides-same-coin-right-privacy-and-freedom-expression>.

² STEPHEN MARKS, *Human Rights: A Brief Introduction*, (2016), <https://www.hsph.harvard.edu/wp-content/uploads/sites/134/2016/07/Human-Rights-A-brief-intro-2016.pdf>.

³ ULLA CARLSSON & LENNART WEIBULL, *Freedom of Expression in the Digital Media Culture A study of public opinion in Sweden*, (2018), <https://www.diva-portal.org/smash/get/diva2:1229692/FULLTEXT01.pdf>.

privacy issues in its Concluding Observations on the human rights records of State parties, indicating that the right to privacy has not been fully realised by human rights protection mechanisms. Seldom has been acknowledged how closely related and supportive the relationships are between freedom of expression and privacy.⁴

Online hate speech and misinformation must be addressed in parallel with upholding the right to freedom of expression, both online and offline. We are aware of the ineffectiveness of companies in addressing user concerns, their opaqueness and unsettling market dominance, as well as governments' failure to enact regulations that respect users' rights, despite the fact that social media offers special opportunities for fostering connections with others and igniting public debate.⁵

Comprehensive Set of Statutory Laws and Legal Guidelines

The right to free speech is upheld by international human rights treaties such as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. A thorough grasp of the legal structures governing online activity is necessary, nevertheless, to apply these ideas to the digital realm. Although the legal systems in many countries have diverse frameworks, there are certain generally accepted norms and basic concepts. For instance, the Cyber-security Information Sharing Act (CISA)⁶ and the Electronic Communications Privacy Act (ECPA)⁷ are the primary pieces of law controlling cyber-security and privacy in the United States. When it comes to developing and implementing cybersecurity measures responsibly in the digital age, ethical frameworks offer direction.

In 1950, the Indian Constitution was ratified, providing a strong foundation for the basic right to freedom of speech and expression. Every person of India is entitled to freedom of speech and expression under Article 19(1)(a) of the Constitution.⁸ The Information Technology Act, 2000, and its ensuing revisions serve as the main source of legal framework that governs free

⁴ Carly Nyst, *Two Sides of the Same Coin – the Right to Privacy and Freedom of Expression*, PRIVACY INTERNATIONAL (2018), <https://privacyinternational.org/blog/1111/two-sides-same-coin-right-privacy-and-freedom-expression>.

⁵ Michelle Bachelet, *Human rights and democracy in the digital age*, OHCHR (2022), <https://www.ohchr.org/en/statements/2022/04/human-rights-and-democracy-digital-age>.

⁶ S.754 - 114th Congress (2015-2016): To improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes., CONGRESS.GOV (2015), <https://www.congress.gov/bill/114th-congress/senate-bill/754>.

⁷ PUBLIC LAW 99-508 99TH CONGRESS AN ACT - GOVINFO (1986), <https://www.govinfo.gov/content/pkg/STATUTE-100/pdf/STATUTE-100-Pg1848.pdf> (last visited Jan 23, 2024).

⁸ Npradhan, *Constitution of India-Freedom of speech and expression*, LEGALSERVICEINDIA.COM, <https://www.legalserviceindia.com/legal/article-572-constitution-of-india-freedom-of-speech-and-expression.html>.

expression in India's virtual environment. The aforementioned regulations seek to govern digital platforms, safeguard the rights of users, and tackle the diverse issues associated with online communication.⁹

A major factor in determining how free speech is shaped in the virtual world is how the judiciary interprets and applies the laws already in place. A major contribution to the interpretation of the free speech clauses in the Indian Constitution and the establishment of precedents protecting free speech online has come from the Supreme Court of India. A major factor in determining how free speech is shaped in the virtual world is how the judiciary interprets and applies the laws already in place. A major contribution to the interpretation of the free speech clauses in the Indian Constitution and the establishment of precedents protecting free speech online has come from the Supreme Court of India.¹⁰

The UN's protection of international human rights includes the right to free expression. During the UN Conference on International Organisation in 1945, the international community attempted to develop an International Bill of Human Rights following World War II. One of the fundamental human rights protected by the International Bill of Human Rights is the right to free expression.¹¹

The right to freedom of association and assembly is also impacted in a way that is connected to invasions of privacy and free speech. Communication monitoring gives the State access to interactions and exchanges that people may otherwise like to keep private and examine closely. In addition to affecting people's freedom of speech, surveillance may also affect who those people may freely express their thoughts. The ability of individuals to organise is also limited: whereas in the past membership lists were occasionally required to scare people into joining organisations, it is now possible to infer people's interests from their online behaviour, the location information of their mobile device and associated internet services, or the use of scanning technologies to identify every person in a specific physical space, like a public

⁹ MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE DEPARTMENT), <https://eprocure.gov.in/cppp/rulesandprocs/kbadqkdlcswfjdelrquehwuxcfmijmuixngudufgbuubgubfugbububjxcgfvsbdiibgfgHdHfgFHYtyhRtMjk4NzY=>.

¹⁰ Mohd Hussain Khatri, *Free Speech in the Virtual World and the Constitution of India - Legal Vidhiya*, LEGAL VIDHIYA (2023), <https://legalvidhiya.com/free-speech-in-the-virtual-world-and-the-constitution-of-india/>.

¹¹ KITSURON SANGSUVAN, *NORTH CAROLINA JOURNAL OF NORTH CAROLINA JOURNAL OF INTERNATIONAL LAW INTERNATIONAL LAW Balancing Freedom of Speech on the Internet under International Balancing Freedom of Speech on the Internet under International Law Law*, <https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=2002&context=ncilj>.

protest.¹²

One of the most significant ways that the member states of the Council of Europe demonstrate their commitment to the principles of democracy, peace, and justice is through the European Convention on Human Rights, also known as the Convention for the Protection of Human Rights and Fundamental Freedoms. Through it, they pledge to uphold the fundamental rights and freedoms of all people who live in these societies.¹³

Article 10 of European Convention of Human Rights states that freedom of expression belongs to all people. This right will encompass the ability to express one's thoughts as well as the freedom to receive, receive, and transmit knowledge and ideas across national boundaries and without interference from the government. The licencing of radio, television, and film businesses is nevertheless permitted by states in spite of this article. Furthermore, Since exercising one's rights entails obligations, there may be requirements that must be met for a democratic society to function, for the sake of national security, territorial integrity, or public safety, to prevent disorder or criminal activity, to protect one's health or morals, to preserve one's reputation or other people's rights, to keep data that is confidential private, or to uphold the authority and impartiality of the legal system.¹⁴

Conclusion

International human rights legislation upholds the freedom of expression as a basic human right. By means of their national laws or constitutions, all nations acknowledge and protect the right to free expression. Governments can nonetheless utilise international human rights legislation to balance and manage freedom of expression on the Internet, even though social media is the primary regulator and control of such freedom. In particular, limitations to the freedom of expression are provided under international human rights law, and these exceptions might be utilised to restrict or prohibit online speech. However, social media cannot be controlled by international human rights legislation, nor can it be used to compel other nations to ban online speech or material.¹⁵

¹² Carly Nyst, *Two Sides of the Same Coin – the Right to Privacy and Freedom of Expression*, PRIVACY INTERNATIONAL (2018), <https://privacyinternational.org/blog/1111/two-sides-same-coin-right-privacy-and-freedom-expression>.

¹³ DOMINIKA BYCHAWSKA-SINIARSKA, *PROTECTING THE RIGHT TO FREEDOM OF EXPRESSION UNDER THE EUROPEAN CONVENTION ON HUMAN RIGHTS Exergue Citation*, (2017), <https://rm.coe.int/handbook-freedom-of-expression-eng/1680732814>.

¹⁴ *Id.* at note 10.

¹⁵ KITSURON SANGSUVAN, *NORTH CAROLINA JOURNAL OF NORTH CAROLINA JOURNAL OF INTERNATIONAL LAW INTERNATIONAL LAW Balancing Freedom of Speech on the Internet under*

In this complex relationship between free expression and internet security in the framework of human rights, our investigation reveals a terrain where ethical concerns and legal frameworks meet. The protection and advancement of free expression in the virtual sphere while maintaining democratic ideals and defending people's rights and dignity requires a robust and unambiguous legal framework. Protecting users' rights and resolving the intricacies of online communication are vital goals of the legal framework that governs free expression in the virtual world, which is mainly controlled by the Information Technology Act. The difficulty of establishing a strong basis for cybersecurity without sacrificing the basic right to free expression is one that both national legislation and international norms struggle to address. In order to ensure a robust and inclusive digital landscape for future generations, it is imperative that we as a society make a common commitment to navigating this junction under the unbreakable principles of human rights in the digital age.