



Human Rights in the Digital Era: Addressing the Complexities of Social Media and the Internet

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ABSTRACT

Social media has given people the freedom to share their thoughts and opinions with the world. However, it also comes with problems like hate speech, spreading false information, and influencing public opinion. Popular platforms like Facebook, Twitter, and Instagram struggle with serious issues such as terrorism, child abuse, harmful content, and online bullying. Encrypted platforms make it even harder to track those who spread harmful content. This paper looks at the human rights problems caused by social media, such as privacy breaches, freedom of speech issues, identity theft, defamation, and copyright violations.

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Introduction:

The widespread use of digital and social networks has provided users with a platform to freely express their opinions and thoughts. This democratization of networks and the increasing freedom of speech have fostered open discourse among the masses. However, despite its advantages, the pervasive use of social media has led to several challenges that undermine its fundamental purpose. Issues such as hate speech based on race, ethnicity, or religion, the proliferation of fake content, manipulation of public opinion, and the spread of rumours have made it increasingly difficult to maintain a balance between



freedom of speech and the protection of human dignity (Silva, 2016). These harmful practices on blogging, microblogging, and social networking platforms such as Facebook, Twitter, and Instagram can be attributed both to user behaviour and platform policies. Another significant factor in this context is the lack of legal recourse to address such actions. Social media platforms are currently grappling with a variety of issues, including terrorism, child exploitation, fake news, pornography, and online trolling. Additionally, platforms that use end-to-end encryption complicate the task of tracing the originators of harmful content. (Bakshil & Bakshi, 2020) This paper seeks to explore the critical human rights concerns associated with social media usage, including issues such as pornography and obscenity, hate speech, identity theft, defamation, and intellectual property. It examines how these concerns intersect with individuals' rights to privacy, freedom of speech and expression.

Social media has significantly impacted political dynamics on a global scale by enabling users to express their opinions and engage in discussions in ways previously unavailable. According to Danspeckgruber (2011), these technologies have accelerated communication and interaction, propelling human civilization into what could be described as a "fast-forward" mode. This unprecedented speed of information dissemination, as noted by Yadav (2012), has revolutionized the way we communicate globally. However, the explosive growth of social media has created challenges for law enforcement agencies, as regulating these platforms has become an issue. This situation exemplifies how technology has evolved much faster than society's ability to effectively address its implications. As a result, we face numerous problems related to social media, with few clear solutions. (Bakshil & Bakshi, 2020)

Objectives of the Study: This study aims to explore how the use of social media and the internet affects basic human rights, especially the rights to privacy, dignity, freedom of speech, and protection from discrimination. It also seeks to understand the problems that can arise from digital platforms, such as hate speech, identity theft, defamation, pornography, obscene content, and the misuse of copyrighted content.

Methodology of the Study: This study adopts a qualitative, descriptive, and analytical research methods to examine the complex relationship between human rights and digital technology in the context of social media. It employs a doctrinal approach, supported by secondary data analysis, including a review of international human rights instruments such as the Universal Declaration of Human Rights (UDHR) and relevant provisions of the Indian Constitution, particularly Articles 19 and 21. Additionally, the study involves a content analysis of the policies and community guidelines of



major social media platforms such as Facebook, Twitter, Instagram, and YouTube to assess how various forms of online content such as hate speech, defamation, pornography, and misinformation impact human rights.

What is Social Media? Social media is a vast array of mobile and internet-based platforms that utilize web or mobile network technologies to facilitate interactive communication. These interactions involve various digital media, such as text, images, audio, and video. Social media is often referred to as ubiquitous technology because it seamlessly integrates web and mobile tools to keep users connected. Mobile-based social media ensures easy access to networks anytime and anywhere, making it highly time- and location-sensitive. On average, individuals spend approximately 142 minutes per day on social media, making it an integral part of daily life. Social media fosters the creation and sharing of user-generated content, which integrates technology, telecommunications, and social interaction. This contributes to the democratization of the internet but also brings challenges such as the rise of hate speech, rumours, identity theft, hacking, and intellectual property issues.

There are several types of social media, including social networking, blogs, microblogs, vlogs, and wikis. Social networking sites allow users to create virtual communities with friends, family, and acquaintances, offering features such as messaging, photo sharing, video sharing, status updates, and more. Blogs are Web 2.0 tools that feature descriptive content, while microblogs enable users to post brief updates, supported by hyperlinks, hashtags, or photos. Vlogs and video sharing sites combine video content with textual commentary and hyperlinks in the description, like YouTube, where users can upload, stream, and share videos, as well as engage with other users through comments. Wikis are collaborative platforms that allow multiple users to create and edit pages on specific topics or related subjects, linked through hyperlinks.

Other notable types of social media include social bookmarking, social news, media sharing platforms, collaborative projects, virtual game worlds, and virtual social worlds. These categories often overlap, as many platforms perform multiple functions. For example, Instagram combines features of blogging and photo-sharing, and blogs can embed Instagram or Facebook posts, making it easy to share content across platforms with just one click.

Concept of Human Rights: The modern concept of human rights is relatively recent in the field of social science, gaining prominence particularly after the Second World War and the establishment of the



United Nations in 1945. However, the idea of human rights has existed throughout human civilization in various forms. Human rights are inherently linked to every aspect of human life, as they are the rights individuals possess simply by virtue of being human. These rights are universal and inalienable, regardless of caste, colour, creed, religion, nationality, ethnic origin, language, or any other status (Mohanasundaram, 2013,). They allow individuals to live with dignity, develop their personality, and lead meaningful, creative, and productive lives. The term "human rights" is broad and encompasses civil rights, civil liberties, and social, economic, and cultural rights. Due to its comprehensive nature, defining the term precisely is often a complex task.

Social Media and the Challenges of Protecting Human Rights:

1. Hate Speech: Hate speech on social media is an increasingly serious issue, and it raises significant concerns about human rights. It refers to any form of expression that incites violence, discrimination, or hatred against individuals or groups based on attributes such as race, religion, ethnicity, gender, or nationality. These harmful messages can lead to real-world consequences, including violence, social division, and the persecution of targeted groups.

From a human rights standpoint, freedom of speech is a fundamental right, protected by various international agreements like the Universal Declaration of Human Rights (UDHR). According to Article 19 of the UDHR, everyone has the right to freedom of opinion and expression. However, this right is not absolute. International human rights law allows certain restrictions, especially when speech harms others' dignity, safety, or freedom. Hate speech falls under these restrictions because it can lead to violence, discrimination, and hate-driven actions. One of the major challenges is finding a balance between protecting freedom of speech and preventing harm caused by hate speech. Social media platforms, like Facebook, Twitter, and YouTube, allow people to express themselves freely, but this freedom can be abused when harmful content is spread, such as racist slurs, anti-religious sentiments, or calls for violence.

Hate speech on social media often targets vulnerable groups, including racial minorities, religious communities, LGBTQ+ individuals, and migrants. Hate speech on social media is a pressing issue with serious implications for human rights, particularly the rights to equality, dignity, and freedom from violence. While freedom of expression is a fundamental right, it must be balanced with the need to protect individuals and groups from harm caused by hate speech. By enforcing stricter content



moderation policies, educating users, and promoting international cooperation, we can work toward creating a safer and more respectful digital environment for everyone.

2. Identity theft: Identity theft in the context of social media is a growing concern worldwide, including in India, with significant implications for human rights. Social media platforms, by their nature, are designed to encourage users to share personal information, which can be exploited by malicious actors for identity theft. It involves the unauthorized use of personal data (e.g., name, photo, contact details), leading to privacy violations, financial loss, defamation, and harassment. This intersects with fundamental rights like the right to privacy (Article 21 of the Indian Constitution), right to security, right to reputation, and right to equality.

Social media platforms are a prime target for identity theft due to their design that encourages users to share large amounts of personal information. Key methods of identity theft include phishing and social engineering, where criminals use fake accounts or malicious links to trick users into revealing sensitive information, such as passwords, credit card details, or personal identification numbers. Impersonation is another method, where criminals create fake profiles using another person's name, photos, or other personal details to engage in fraudulent activities. Data breaches, where large social media companies hold vast amounts of personal data, expose, steal, or misuse this information for identity theft or other malicious purposes. Location tracking, where platforms track users' locations and share this information, can lead to privacy violations or security risks, such as physical threats or harassment based on the user's location. These vulnerabilities highlight the importance of users being aware of these risks and companies implementing stronger safeguards to protect personal data.

3. Pornography and Obscenity: Social media is having a big effect on how easily people are finding, sharing, and watching pornographic and obscene material. This is raising human rights concerns, such as unregulated content, minors accessing adult material, sexual exploitation and coercion, and the normalization of pornography and obscenity. Social media platforms are allowing users to post their own content, which is supporting freedom of speech but is also leading to the spread of pornography without proper age or consent checks. Governments and platforms are struggling to find a balance between protecting freedom of expression, ensuring privacy and respect, and safeguarding children.

It is also easier for children to access adult content, which can change how they think about sexuality and relationships. People can also be taken advantage of on social media, for example through sex trafficking and sending private information to other people without their permission. It's possible that the



large amount of explicit material on social media has made sexual objectification more common and changed social norms about sexuality and consent, which could hurt people's rights to privacy, respect, and dignity. Because they affect human rights, social media sites are under more and more pressure to police harmful material.

4. Defamation: Defamation on social media is a significant issue that impacts both the right to free speech and the right to be treated with respect. Social media platforms have made it easier for people to express their thoughts and feelings, but they can also harm others' reputations through hurtful or false statements. The right to freedom of expression, as outlined in Article 19(1)(a) of the Indian Constitution, allows everyone to express their thoughts and feelings. However, defamation can lead to damage to someone's image due to false statements. The right to reputation and dignity, as protected by Article 21, is closely linked to personal dignity and self-worth. Defamation can cause long-lasting damage, especially on social media, where false information can spread quickly and impact both personal and professional lives. Malicious rumours or false accusations can lead to public humiliation and social exclusion. Additionally, the right to equality and not being discriminated against can be violated when false charges are made based on religion, caste, gender, or sexuality. These acts can lead to abuse, exclusion from social groups, and perpetuate biases and stereotypes.

5. Intellectual property (IP) issues: Intellectual property (IP) issues in the context of social media and the internet have become increasingly complex and significant in recent years. As the digital world grows, the boundaries between creativity, commerce, and freedom of expression become blurred, raising important human rights questions about how intellectual property is managed, protected, and enforced online. From a human rights perspective, intellectual property is linked to several fundamental rights, including the right to freedom of speech, the right to access information, the right to culture, and the right to participate in scientific advancement. The challenge lies in balancing the protection of creators' intellectual property rights with the promotion of access to knowledge and information, as well as ensuring that IP laws do not infringe upon other human rights.

Conclusion: The nexus of technology and human rights in the digital age offers both exciting possibilities and difficult obstacles. The rapid advancement of technology and the widespread availability of the internet have amplified concerns regarding privacy violations, unauthorized data access, and the proliferation of harmful content. Issues such as surveillance, communication



interception, and data retention further threaten the right to privacy, leaving individuals, especially vulnerable groups, exposed to cyberbullying, cyberstalking, and exploitation.

To address these concerns, several solutions have been proposed:

- Stronger regulation by governments to enforce human rights standards, such as preventing non-consensual content and protecting minors.
- Improved content moderation through better algorithms and human oversight to identify harmful content.
- Ethical content promotion that respects consent and fairness in pornography production.
- Education and awareness to inform users about the risks of pornography and online exploitation, helping them protect their privacy.

The primary challenge lies in striking a balance between freedom of expression and the protection of individual rights and dignity. While robust regulations and improved content moderation are essential, empowering users with knowledge and tools to safeguard their privacy is equally vital.

On the flip side, social media platforms hold immense potential to promote and protect human rights. When utilized responsibly, these platforms can serve as powerful tools for raising awareness, fostering discourse, and driving global conversations on human rights. They create opportunities for advocacy, collaboration, and accountability, thereby contributing positively to the protection, promotion, and enforcement of human rights.

In conclusion, while the digital age presents unprecedented threats to human rights, it also offers unparalleled opportunities for advocacy and empowerment. By implementing comprehensive regulatory frameworks, enhancing content moderation mechanisms, and promoting digital literacy, societies can navigate these complexities and harness the positive potential of social media and the internet to uphold human rights for all.

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