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Digital Rights – What and Why?

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Abstract:

Sooner or later, new technology will give rise to questions such as how law should deal with a particular phenomenon and whether new regulation is needed, existing regulation should be amended or current practices modified. The simple reflex to call for more regulation often indicates a lack of regulatory sophistication. Two important observations can be made illustrating what laws on digital rights and the related discussion have in common: First, they pertain to information networks – primarily the Internet – and this is what many organizations want them to do. Secondly, the legislation necessary involves legislation at the level of human and fundamental rights. For example, the World Economic Forum describes digital rights in the following terms: “Digital rights are basically human rights in the internet era.” -- Do we need new digital human rights? Probably not, but we should in this situation discuss about the need of a new legislative theory. How to build more communicative legislation, where digital right charters could give added value into the traditional legislation? And how to reach the fitness goal at the same time. The discussion about digital rights can be leading us to another way if we only want to add the number of fundamental rights.