

INTRICACIES OF THE VIRTUAL WORLD AND THE SUSTENANCE  
OF THE BATTLE TO MAINTAIN ANONIMITY AND PREVENT  
CYBER CRIMES

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*“We are vulnerable in the military and in our governments, but I think we're most vulnerable to cyber-attacks commercially. This challenge is going to significantly increase. It's not going to go away.”*

*– Michael Mullen, former chief of U.S Naval operations (2005-2007)*

INTRODUCTION

Some brief history: The mainstream consumer network environment of the early 1990s looked nothing like today's Internet, nor did it evolve to become the Internet we have today. As late as 1995, conventional wisdom held that the coalescing global network would be some combination of the proprietary offerings of the time, services like CompuServe, AOL and Prodigy. Yet those companies went extinct or transformed into entirely different businesses. They were crushed by a baling-wire-and-twine network built by government researchers and computer scientists, one that had no CEO and no master business plan. The leaders of the proprietary networks can be forgiven for not anticipating the Internet's rise. Not only was there no plan for the provision of content on the Internet, there was an outright hostility towards many forms of it. The Internet's backbone, operated by the U.S. National Science Foundation, had an acceptable-use policy prohibiting commercial endeavors. For years the Internet remained a backwater, a series of ad hoc connections among universities and research laboratories whose goal was to experiment with networking. Yet what the developers made was a generative system, open to unanticipated change by large and varied audiences. It is this generativity that has caused its great – and unanticipated – success. Consumer applications were originally nowhere to be found on the Internet, but that changed in 1991, after the Internet's government patrons began permitting personal and commercial interconnections without network research pretexts, and then ceased any pretense of regulating the network at all. Developers of Internet applications and destinations now had access to a broad, commercially driven audience. Proprietary network service providers who had seen themselves as offering a complete bundle of content and access became mere on-ramps to the Internet, from which their users branched out to quickly thriving Internet destinations for their programs and services. For example, CompuServe's Electronic Mall, an e-commerce service intended to be the exclusive means by which outside vendors could sell products to CompuServe subscribers, disappeared under the avalanche of individual Web sites selling directly to anyone with

Internet access. PCs likewise started off slowly in the business world (even the name “personal computer” evokes a mismatch). Businesses first drew upon custom-programmed mainframes – the sort of complete package IBM offered in the 1960s, for which software was an afterthought – or relied on information appliances like smart typewriters. Some businesses obtained custom-programmed minicomputers, and employees accessed the shared machines through dumb workstations using small, rudimentary local area networks. The minicomputers typically ran a handful of designated applications – payroll, accounts receivable, accounts payable, and company specific programs, such as case management systems for hospitals or course-registration programs for universities. There was not much opportunity for skilled users to develop and share innovative new applications. Through the 1980s, the PC steadily gained traction. Its ability to support a variety of programs from a variety of makers meant that its utility soon outpaced that of specialized appliances like word processors. Dedicated word processors were built to function the same way over their entire product lifetimes, whereas PC word-processing software could be upgraded or replaced with an application [2008] 5 from a competitor without having to replace the PC itself. This IT ecosystem, comprising fixed hardware and flexible software, soon proved its worth. PCs had some drawbacks for businesses – documents and other important information ended up stored across different PCs, and enterprise wide backup was a real headache. But the price was right, and people entering the workforce soon could be counted on to have skills in word processing and other basic PC tools. As a round of mature applications emerged, there was reason for almost every white collar worker to be assigned a PC, and for an ever broader swath of people to want one at home. These machines might have been bought for one purpose, but their flexible architecture meant that they could quickly be redeployed for many others. A person who bought a PC for word processing might then discover the joys of e-mailing, gaming, or the Web. Bill Gates used to describe Microsoft’s vision as “a computer on every desk”. That may have reflected a simple desire to move units – nearly every PC sold meant more money for Microsoft – but as the vision came true in the developed world, the implications went beyond Microsoft’s profitability. Whether running Mac or Windows, an installed base of tens of millions of PCs meant that there was tilled soil in which new software could take root. A developer writing an application would not need to convince people that it was worth buying new hardware to run it. He or she would only need to persuade them to buy the software itself. With the advent of PCs connected to the Internet, people would need only click on the right link and new software could be installed. The fulfillment of Gates’ vision significantly boosted the generative potential of the Internet and PC, opening the floodgates to innovation.

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## VIRTUAL WORLD

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Virtual world is defined as “a *persistent computer-simulated environment allowing large numbers of users, who are represented by avatars, to interact in real-time over a computer network such as the Internet*”. Virtual World is not a lawless space. It is a place where

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1 OECD (2011), “*Virtual Worlds: Immersive Online Platforms for Collaboration, Creativity and Learning*”, *OECD Digital Economy Papers*, No. 184 at p.7 , OECD Publishing.

humans interact with other humans, via e-mail and the World Wide Web. A policy framework needs to extend the concepts and the rules that we apply in the non-virtual, “real” world to the virtual world of cyberspace. In the real world, we have common standards of courtesy of respect and tolerance. In the real world, we pay taxes, we have police forces, we can vote and we can own property and control our own privacy. All of these concepts and more should also apply in cyberspace<sup>2</sup>.

When the Human Rights Organs receive a complaint of infringement of human rights, such as invasion of privacy or the likelihood of invasion of privacy via the Internet, a situation arises for the protection of Human Rights Violation in the Virtual World. International Telecommunication. Regulations preamble reads “Member States affirm their commitment to implement these Regulations in a manner that respects and upholds their human rights obligations<sup>3</sup>”.

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### ELEMENTS OF HUMAN RIGHT IN VIRTUAL WORLD

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Virtual worlds are increasingly evolving into Internet-mediated “spaces”, where large groups of people meet and interact on an electronic platform while experiencing a shared sensation of being there together. This enables richer and more dynamic social interaction and collaboration across national and cultural boundaries over the Internet compared to other traditional environments. The world has become increasingly dependent on global digital networks, it becomes clear how vulnerable users, whether private corporate or government, are to criminal intrusion and misuse. Moreover, this virtual world of networks, which every user hoped would offer unprecedented benefits, is increasingly threatened by crime. Today’s networks make it possible to distribute illegal content such as child-

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<http://dx.doi.org/10.1787/5kg9qgnpjmjg-en> ( Last Accessed on 08/02/2013); This definition is consistent with that provided by Bell (2008): “a synchronous, persistent network of people, represented as avatars, facilitated by network computers”. It is also consistent with the definition provided by the United States Federal Trade Commission (FTC, 2009), which states that “online virtual worlds blend three-dimensional or 3D gaming environments with elements of online social networking, allowing their users to interact in and shape their own online content. Through avatars, virtual world users socialize, network, play, and often conduct business in graphics-intensive landscapes using text or voice chat, sounds and gestures, and video”.<sup>9</sup> Dr. Alexander Dix, Berlin Commissioner for Data Protection and Freedom of Information Chairman of the International Working Group on Data Protection in Telecommunications, Statement at the ITU WSIS Thematic Meeting on Cybersecurity Geneva dated 1<sup>st</sup> July, 2005 available at [http://www.itu.int/osg/spu/cybersecurity/presentations/session15\\_dix.pdf](http://www.itu.int/osg/spu/cybersecurity/presentations/session15_dix.pdf) (Last accessed on 21/02/2013)

<sup>2</sup> Yoshio Utsumi, ITU Secretary-General, opening Remark on Pan Arab Regional Conference for the World Summit on the Information Society ,Cairo dated June 16, 2003 available at [www.itu.int/wsis/docs/utsumi/cairo.doc](http://www.itu.int/wsis/docs/utsumi/cairo.doc) (Last accessed on 21/02/2013)

<sup>3</sup> ITU, Final Acts World Conference on International telecommunications, Dubai, 2012<sup>12</sup> *supra n. 8* at p.3<sup>13</sup> Council of Europe, “*Democracy, Human rights and the rule of law in the Information Society*” Contribution to the 2<sup>nd</sup> preparatory Commit for the World Summit on the Information Security, Geneva dated 17-28 feb, 2003 Document WSIS/PC-2/CONTR/32-E ¶ 10

pornography, racism and xenophobia, computer viruses, at a phenomenal speed and to an unlimited number of users.

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## FREEDOM OF EXPRESSION

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The Internet offers unprecedented means of facilitating cross-border communication of information on human rights issues related to racist and xenophobic content<sup>4</sup>. UN special Rapporteur on the right to freedom, Frank La Rue stated that the Governments need to enable surveillance and create tools to monitor Cyber activities. The real world is getting closer to the virtual world in an attempt to extinguish fundamental freedoms. The premise of the virtual world is freedom. Governments, Organizations and various Human rights community must remain vigilant and work more effectively together to ensure that there must not be human right violation in virtual world.

According to the International Telecommunication Union (ITU) Report, It is estimated that 2.4 billion of the 7 billion people in the world are currently using the Internet. This has made the Internet a leading platform for the way people receive and disseminate information. Information may be accessed or sent instantly, anonymously, and anywhere<sup>5</sup>.

It is an undeniable statement that the international community has to enforce laws and regulation to inappropriate or illegal content on the Internet because States have different legislation to regulate the virtual world. Mutuma Ruteere, also a special rapporteur considers that any measures taken by States to resolve this issue should not restrict the right to freedom of expression. “Any restrictions, control and censorship of the content disseminated via the Internet should be done on a clearly defined legal

basis and in a manner that is necessary, proportionate and compatible with States’ obligations under international human rights law.”<sup>6</sup>

According to him, States should make the Internet more available and affordable. Lack of access to the Internet leaves many victims of racial discrimination without the opportunity to defend themselves or challenge racist ideas in the virtual world. In addition, there should be a push for the dissemination of local content to the “global network.” This would contribute to greater understanding, tolerance and respect for diversity and reduce “misperceptions that feed racist and xenophobic expressions<sup>7</sup>.

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4 *Id.* at ¶ 25

5 “*Combatting racist message in the Virtual World*” available at <http://www.ohchr.org/EN/NewsEvents/Pages/RacismInternet.aspx> (Last accessed on 10/02/2013)

6 UN Human Rights Office Special Rapporteur on Racism, Mutuma Ruteere, in his report on Racism and the Internet presented before the 67th session of the UN General Assembly dated 21<sup>st</sup> Dec, 2012 available at <http://www.ohchr.org/EN/NewsEvents/Pages/RacismInternet.aspx> Last accessed on 09/02/2013. See ; UN General Assembly Resolution No. A/67/326

7 *Id.*

As Internet technology has developed extremist hate sites are continuing to increase in size and technological sophistication<sup>8</sup>. These groups use the Internet for several purposes such as to provoke racial violence and abuse against specific groups or individuals, as a recruitment tool to attract new members and for intimidation. “It is also of great concern that open calls for violence against individual anti-racism activists are placed on neo-Nazi websites to intimidate, exert pressure or stop social or political actions or activities directed against extremist groups<sup>9</sup>.”

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## CONSUMER’S RIGHTS

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Internet Governance Mechanism must ensure the protection of the rights of consumers. Article 12 of the Universal Declaration of Human Rights, 1948 states that every individual has the right to privacy of their content<sup>10</sup>. The Telecommunications (Interception and Access) Act 1979 (TIA Act) of Australia gives legislative effect to the policy of the Australian Government on interception of and access to communications. The main purpose of the TIA Act is to protect the privacy of individuals using the telecommunications system of Australia by making it an offence to intercept communications passing over that system other than in accordance with the provisions of the Interception Act and to specify the circumstances in which it is lawful for interception to take place<sup>11</sup>.

**Piracy:** Article 12 of Universal Declaration of Human Rights discusses about right to privacy. Piracy is a key for maintaining trust building in the virtual world. It is one of the biggest elements of Human Right in Virtual World. The internet can instantly reveal an individual’s private information to millions of viewers. Online aerial photographs, such as map services, can visually expose private and sensitive information. One person’s right to privacy may conflict with another’s freedom of expression<sup>12</sup>. It adversely affects the livelihood of an individual in the international community.

Ten Commandments to protect piracy in Virtual World<sup>13</sup>

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8 UN Human Right Council A/HRC/20/38 ; 12<sup>th</sup> Session, Agenda item 9; “*Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action*” dated 29<sup>th</sup> May,2012

9 *Id.*

10 Universal Declaration of Human Rights,1948. Art.12: “No one shall be subjected to arbitrary interference with his privacy, or correspondence, everyone has the right to the protection of the law against such interference.

11 HIPCAR, “*Interception of Communications: Assessment Report*”, dated March, 2010

12 Universal Declaration of Human Rights, 1948, Art.19:”Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart

information and ideas through any media and regardless of frontiers”.

13 Dr. Alexander Dix, Berlin Commissioner for Data Protection and Freedom of Information Chairman of the

- Informational Separation of powers
- Telecommunications Secrecy
- Data Austerity (Minimization)
- Right to Anonymity
- Virtual right to be Alone
- Right to Security
- Restriction on Secondary Use
- Transparency
- Subject access to Personal Data
- International Complaints Resolution

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## COPYRIGHT ISSUES

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The digital environment has encouraged in free access to users' online materials. This has amounted to legitimate rights of the creators being put on stake. Though, it ensures fair access to digital material for educational and other socially necessary purposes and considers that in order to take account of new information technology, and a new balance has to be established between rewarding intellectual property owners and making their work available to the larger public. Certain Conventions on measures to protect copyright and neighbouring rights and combat piracy, especially in the digital environment would be highly appreciable. Unprecedented increase in copyright issues highlights the need to find efficient ways to protect rights holders in the information society. They should be granted adequate rights under national legislation which cover new forms of exploitation and the legal tools to react to violations should be updated.

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## CHILD ONLINE PROTECTION

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Due to the openness of the internet and the generational gap in technology use, it can be challenging for parents in some cultures to understand and have a choice in their child's education<sup>14</sup>. The Internet is playing an increasingly important and valuable role in the

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International Working Group on Data Protection in Telecommunications, Statement at the ITU WSIS Thematic

14 Universal Declaration of Human Rights, 1948. Art.26: "1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. 2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial, or religious groups, and shall further the activities of the United Nations for the maintenance of peace. 3. Parents have a prior right to choose the kind of education that shall be given to their children."

provision of education for children, enriching the curriculum and helping to bridge language and other barriers between the children of all nations<sup>15</sup>.

Each mobile network operator provides access to the internet and social networks also ensures blocking of web pages with prohibited content as well as offers software tools for parental protection of children on the internet. Another tool to protect children is a web link Stopline.sk, a part of the Safer Internet project, which should be able to block inappropriate content on the internet, in cooperation with the police, within 48 hours of reporting. The link was created in cooperation with the NGO eSlovensko and the Ministry of the Interior of the SR (MISR) with a goal to prevent propagation of child prostitution, pornography and sales of children on the internet. Since its founding in 2010, about 500 cases of inappropriate content disclosure on the internet, specifically child pornography have been reported<sup>16</sup>.

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### ONLINE SEXUAL ABUSE

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The issue was raised in “*Committee On Rights Of Child Examines Report Of The Netherlands On Sale Of Children, Child Prostitution And Child Pornography*” as whether cartoons were covered by the expanded definition of child pornography to include "virtual" pornography. How the independent National Rapporteur on Trafficking in Human Beings functioned and what happened to that procedure's recommendations on an apparent lack of a prohibition on the advertising of the sale of children and child pornography, which could be found on the Internet and why there was no separate registration for rehabilitation and reintegration for child victims of offences under the Protocol. A further concern was the number of unaccompanied asylum-seeking children who had gone missing from the shelters where they were staying although it was true that the Netherlands appeared to have been successful so far in tracking down any such children who had gone missing<sup>17</sup>.

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### CONVENTION ON CYBERCRIME

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The Convention on Cybercrime is the first international treaty on crimes committed via the Internet and other computer networks, dealing particularly with offences against the

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15 The Plenipotentiary Conference of the International Telecommunication Union , Resolution No.176

(Guadalajara, 2010) available at [http://www.itu.int/osg/csd/intgov/resolutions\\_2010/PP-10/RESOLUTION\\_179.pdf](http://www.itu.int/osg/csd/intgov/resolutions_2010/PP-10/RESOLUTION_179.pdf) (Last accessed on 21/02/2013)

16 Alternative report on the OPSC Implementation in Slovakia, Coalition for Children, May 2012 available at [http://www2.ohchr.org/english/bodies/crc/docs/ngos/CoalitionForChildren\\_OPSC\\_Slovakia62.pdf](http://www2.ohchr.org/english/bodies/crc/docs/ngos/CoalitionForChildren_OPSC_Slovakia62.pdf) (Last accessed on 10/02/2013)

17 Discussion by “*Committee on the Rights of the Child*” dated 16 January 2009 available at <http://www.ohchr.org>

/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8376&LangID=E (Last accessed on 10/02/2013) <sup>30</sup> *supra n. 13* at ¶ 22

confidentiality, integrity and availability of data or computer systems, computer-related offences, content-related offences and offences involving the infringement of intellectual property and related rights. The Convention also seeks to establish common rules concerning procedural powers in order to ensure that traditional measures of collection, such as search and seizure, remain effective in the volatile technological environment<sup>18</sup>. As regards international cooperation, one of the fundamental objectives of the Convention is to enable the application of common computer-crime specific procedural powers at an international level, through a range of cooperation channels, including existing mutual assistance arrangements and also new avenues.

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## FREEDOM AGAINST DISCRIMINATION

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Article 2<sup>19</sup> of the UDHR lays down provision for the freedom against discrimination on the basis of caste, creed, race, religion etc. Personal information including race, gender, or political and religious beliefs found on social networking services and other websites can be used as a basis for discrimination, such as during the hiring process. Virtual world unveils the barrier of discrimination on any subject. It promotes freedom from discrimination by providing a valuable virtual resource to support various human rights such as freedom of expression and right to health irrespective of any factors such as personal beliefs or physical attributes. However, personal online content can also be viewed and used as fodder for discrimination. It creates opportunities for those Individuals who are unable to speak out and pursue their interests due to language barriers can use website translation services to access information in other languages. The internet can also be anonymous and open to anyone who discriminates against a particular ethnic or religious group can easily go to specific websites to attack that online community<sup>20</sup>.

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## INTERFACE BETWEEN REAL WORLD AND VIRTUAL WORLD

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Recently, The Times of India Newspaper highlighted the interface between real and virtual world. Criticizing the incidence of real world in virtual world has become a trend. We recently witnessed in Mumbai that two girls were caught by the police for commenting on Facebook (Social Networking Website) over Mumbai's Bandh on Raj Thakrey demise. This practice has emerged as a trend in the virtual world and provides opportunities promote the right to marry and found a family and create awareness of forced marriage

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19 Universal Declaration of Human Rights, 1948. Art.2: "Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing, or under any other limitation of sovereignty".

20 Nicki Weston, "Human Rights in a Weird World", Business for Social Responsibility, June 2009



incidents or situations where the right to marriage is violated. As per The Times of India<sup>21</sup> Report dated 10<sup>th</sup> Feb, 2013, Virtual World again witnessed solemnization of marriage between a girl from Kurushetra and boy from London. This kind of interface reflects intrusion of real world into virtual world. People do enjoy all the facilities of virtual realities. Hence, it is necessary to have a human right protection for real and virtual world at the same time. Such incident allows individuals find potential spouses but at the same time leads to trafficking and abusive marriage situation. Right to participate in cultural rights is also important component of Human right<sup>22</sup>. Information and Communication Technologies does have positive and negative impact for the same. In the future, virtual world platforms will be adopted for commerce, for education, for professional, military, and vocational training, for medical consultation and psychotherapy, and even for social and economic experimentation to test how social norms develop. Although most virtual worlds today are currently an outgrowth of the game industry, they will become much more than that in time<sup>23</sup>. Article 4<sup>24</sup> of Universal Declaration of Human Rights lays down provision for freedom from slavery. Traffickers use the internet to advertise and communicate easily across borders. This is one of the factors contributing to the rapid growth of human trafficking and slavery. Videos and photographs can be posted online instantly as evidence of torture and cruelty in order to raise public awareness and instigate campaigns to address these conditions<sup>25</sup>. Article 5<sup>26</sup> of UDHR lays down provision for freedom from torture and cruelty. People can educate themselves on cruelty around the world by using the web to search government policies regarding torture and historical accounts of violence in various regions<sup>27</sup>.

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21 Pradeep Rai, "Real Engagement in Virtual World" Feb 10, 2013, 04.22 AM IST available at [http://timesofindia .indiatimes.com/city/chandigarh/Real-engagement-on-the-virtual-world/articleshow/18424573.cms](http://timesofindia.indiatimes.com/city/chandigarh/Real-engagement-on-the-virtual-world/articleshow/18424573.cms) (Last accessed on 10/02/2013)

22 Universal Declaration of Human Rights, 1948 Art.27: "1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts, and to share in scientific advancement and its benefits. 2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary, or artistic production of which he is the author."

23 Jack M. Balkin, "Virtual Liberty: Freedom to Design and Freedom to Play in Virtual Worlds", Vol.90, Virginia Law review, December, 2004 (describing the growing numbers of people who inhabit virtual worlds and the importance of the virtual communities to their lives).

24 Universal Declaration of Human Rights, 1948 Art.4: "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms".

25 Peter Gabriel, Co-Founder, WITNESS, "Cameras Everywhere Report 2011" available at [http://www.witness.org /cameras-everywhere/report-2011](http://www.witness.org/cameras-everywhere/report-2011) (Last accessed on 22/02/2013)

26 Universal Declaration of Human Rights, 1948 Art.5: "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment."

27 Rina Horiuchi, "Human Rights in Weird World", Business for Social Responsibility, March 2009

The internet can foster freedom of thought by providing a vehicle for information and education, allowing people to research different beliefs and religions<sup>28</sup> and further their intellectual and spiritual development. The internet can be used for scams with religious messages that exploit vulnerable populations for monetary gains. The internet also allows workers to inform themselves about unions letting them anonymously and privately share best practices about working conditions and other benefits. This communication can help elevate and standardize expectations among workers. The anonymity of the internet can make it easier for people to infiltrate associations<sup>29</sup>. Moreover, The internet helps open societies with repressive governments by increasing information access and by enabling individuals to reach outside their borders for support<sup>30</sup> but at the same time various groups may establish fake online campaigns or political movements based on false information. Virtual Worlds are driven towards the human life<sup>31</sup> as they are likely to be used for various purposes in the near future.

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## MECHANISM TO REGULATE HUMAN RIGHTS VIOLATION IN VIRTUAL WORLD

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- The United Nations Convention on the Rights of the Child (1989), the Declaration of the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989 and recognized in the Universal Declaration of Human Rights, and all relevant United Nations resolutions have shown deep concern regarding child protection and child online protection.
- Internet Governance Mechanisms can and should further human rights by ensuring an enabling environment that protects and enforces human rights standards and democratic principles of inclusiveness, transparency, checks and balances, and the rule of law.

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28 Universal Declaration of Human Rights, 1948 Art.18: "Everyone shall have the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance."

29 Universal Declaration of Human Rights, 1948 Art.20: "Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association."

30 Universal Declaration of Human Rights, 1948 Art.21: "1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. 2. Everyone has the right of equal access to public service in his country. 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

31 F. Gregory Lastowka & Dan Hunter, "The Laws of the Virtual Worlds", 92 Cal. L. Rev. 1, 73 (2004) at p. 5-11

- Privacy protection must be fully respected in this field, especially in cross-border cooperation. Personal data must only be exchanged if there is a legal ground for privacy protection in all countries involved<sup>32</sup>.
- The Council of Europe has developed a series of internationally binding legal instruments and policy recommendations which should enable member states to strike an appropriate balance between freedom of expression and information and other fundamental human rights in the information society<sup>33</sup>.
- There is a need to support the self-regulatory measures taken by the Internet industry to combat racism, xenophobia and anti-Semitism on the net, such as anti-racist hotlines, codes of conduct and filtering software, and to encourage further research in this area.
- Article 27 of UDHR lays down provision for right to health and standard of living. Campaigns using the internet and mobile technologies can educate the public on particular issues important to their community such as housing and disability rights. Medical, private, government, and community organizations can track the risk of emerging threats such as infectious diseases through web searches and notify the public through mobile phone alerts. Telecommunications that provide medical information and services expand access to consultation, emergency care, and prevention in areas that lack properly funded health services Online social networks can help less mobile people including new mothers, the elderly, and individuals with physical disabilities connect with others, stay informed, and receive support. Citizens will be able to access information and apply for social services such as housing, disability, childcare, and health services efficiently via ICT-enabled government services.
- Information and Communication Technology can help law enforcement stop human trafficking and slavery. Police have uncovered trafficking schemes by posing on the internet as potential clients or workers, and by using cell phone and email surveillance<sup>34</sup>.

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## CONCLUSION

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The fortification of human rights and values are the principal obligations of any Government. Protection of Human Rights has a direct relationship with the government and citizens in the virtual sphere also. It is a sovereign responsibility to ensure that Internet Governance Mechanisms are compliant with human right standards and that the Governments can be held accountable for human rights violations, including before

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32 WSIS Civil Society Privacy and Security Working Group, "Comments on the Report of the Working Group on Internet Governance" dated 15<sup>th</sup> Aug, 2005 available at [www.itu.int/wsis/docs2/pc3/contributions/misc/PSWGWgig.doc](http://www.itu.int/wsis/docs2/pc3/contributions/misc/PSWGWgig.doc) (Last accessed on 21/02/2013)

33 *Supra n. 13* at ¶ 11

34 Faris Natour, "Human Rights in Weird World", Business for Social Responsibility, February, 2009

international courts<sup>35</sup>. Every state has its unique legal framework to control and regulate the functioning of its virtual sphere. There has to be mutual understanding amongst states to follow an agenda to maintain peace and harmony and frame International human rights law which are coherent with the virtual policies of other states. Moreover, in today's society the dramatic increase in the interface between the real world and virtual world have cautioned the international community's to take strict measure and create effective support mechanism to exercise adequate damage control over incidents of virtual violations of human rights, now more than ever before. There is also a necessity to reinforce international cooperation over safeguarding financial transactions online in order to prevent crimes such as money laundering, which can be facilitated in the virtual world via cyber payments and online gambling. But we must not focus only on inter-state cooperation and their concerned area of legislation. The state cannot ensure a holistic cyber security without cooperation from the private conglomerates that technically control the internet space of the world. Rather than a focus on single entities and their relationships it is integral that we focus on all governments in the world, the private sector giants and the internet user himself. As It is the healthy relationship of coexistence amongst them that keeps the virtual world safe and competent.

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35 Statement by the Civil Society Human Rights Caucus on " *Human Rights and Internet Governance*" at Geneva, dated 23<sup>rd</sup> Feb, 2005 [www.itu.int/wsis/docs2/pc3/contributions/sca/dihr-27.doc](http://www.itu.int/wsis/docs2/pc3/contributions/sca/dihr-27.doc) (Last accessed on 21/02/2103)