



Are Cyber Rights the Key to The Digital Future? John Rumbold, Kingston University

Regulation of cyber-space is a contested area. There are concerns about criminal activity but equally concerns about the ability of repressive regimes to control free expression. There is a body of academic literature on the marginalisation of women and other groups on social networking sites by aggressive trolling, plus high profile incidents involving female celebrities and Twitter abuse. This reduces the value of cyberspace as a public square for discussion. The approach of the authorities is perceived to be patchy and biased towards celebrity. Only the rich can afford investigation and legal action in the face of official indifference and lack of cooperation from social networking sites. On the other hand, current mechanisms can be abused to silence critics – either via use of statutory offences or via pressure on employers and other non-legal means. The current problems are a classic illustration of the Collingridge dilemma.

Although cyber harassment and stalking is a lower priority crime than more direct harassment and stalking (or more serious crime), this does not explain the apparent inconsistencies. Recent decisions have shown a willingness by the EU and member states to take on internet giants such as Google and Facebook where they have infringed the rights of EU citizens. Social networking sites are free to draw up and interpret terms and conditions as they see fit. It can be argued that fuller participation of EU citizens in cyberspace will require the establishment of rights to develop and protect one's digital personality. That would mean that authorities and social networking sites would have to develop effective strategies for preventing cyber harassment and stalking. Regulation by the markets have failed, so legislation is required. Establishment of cyber rights may be the best way forward.