

# Digital Welfare State, Human Rights and Digital Rights: A Symbiotic Relationship

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## ABSTRACT

The objective of this work was to elucidate if there is a direct relationship between three concepts of significant importance; digital welfare state, human rights, and digital rights, in order to determinate the impact when any of them are not fulfilled or violated. An analytical investigation of documentary sources, statistics, and information available in open sources was conducted. To achieve the objective, it was first necessary to clearly define the three concepts to be discussed and present a brief overview of the current situation of each of these. Among the results found, it was possible to establish a direct relationship between all the concepts and that the impact of one of them has a direct impact on the other two. Likewise, it is necessary to pay attention to the violations that are being carried out under the pretext of cyber surveillance. since this puts us all at risk as citizens.

**KEYWORDS:** *Digital welfare state, human rights, digital rights, digital citizenship, symbiotic relationship*

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## INTRODUCTION

Since the Universal Declaration of Human Rights was promulgated in 1948 (UN, 2023) [28], human rights have been classified and/or grouped in various ways, either based on their nature, content, and the subject matter they address, or by generations, according to the historical moment in which they emerged (CNDH, Mexico, 2023) [8]. It would not be surprising, therefore, to begin mentioning a fourth generation, focused on digital rights (Santana & Serra, 2022) [23]. While there is clarity and consensus regarding the definition of human rights and how they should be protected (in the case of Mexico, they are at the same level as our constitution), these digital rights do not even have a place in national regulations. At the international level, there is no general consensus or agreement on defining what they should be, how they should be protected, and the possible sanctions resulting from their violation.

The historical moment in which we live is characterized by significant changes brought about by rapid technological advances, impacting every sphere of human life. These technological changes give rise to concepts such as digital citizenship, digital rights, metaverse, virtual reality, among many others, along with a "parallel" life within the virtual world. The concept of digital well-being is also integrated into the equation. For the purposes of this research, the focus will be on the analysis of digital rights, human rights, and the state of digital well-being, in order to elucidate the impact and relationship that exists among them.

## Materials and Methods

The research conducted was of a basic nature, as it presented new information generated as a result of the study. It was carried out under a qualitative approach to determine the relationship between the concepts of digital well-being, human rights, and digital rights. The design employed was non-experimental cross-

sectional correlational, as a specific time period was analyzed to identify relationships between variables. A detailed analysis was conducted using various documentary sources, along with the utilization of native digital strategies, such as the analysis and consultation of open-access online statistics and surveys. Additionally, international online resources and studies, such as those from the UN and other available sources, were consulted.

## Results and Discussion

In order to achieve the research objective of clarifying and defining the existing relationship among the three presented concepts, it is necessary to provide a clear definition of each and present their current status.

### Symbiosis

The World Wildlife Foundation (WWF, 2021) describes symbiosis as the interaction between two or more biological organisms, or symbionts, which may or may not assist each other to survive. It also mentions three different types: Mutualism, Commensalism, and Parasitism. Mutualism, in particular, involves the relationship between organisms of different species, where both benefit, achieving perfect synchronization for the mutual benefit of both.

### Digital Wellbeing and Digital Welfare State

In addressing this concept, it becomes necessary to provide terminological clarification, as there are two similar terms in English with very different meanings that could create ambiguity in Spanish. The first term is "digital wellbeing," which "prioritizes the level of self-control one can exert over the use of digital devices... to achieve digital well-being and healthy lifestyles" (Thomas, Choudhari, Gaidhane, & Quazi Syed, 2022) [27]. On the other hand, Quintana Meneses (2021) [21] mentions that "digital well-being consists of creating and maintaining a healthy relationship with technology." This concept is focused on issues related to health and excessive use of technological resources.

The second term is "digital welfare." Starting with the Cambridge Dictionary, which defines "welfare" as assistance given, especially by the state or an organization, to people who need it, especially because they do not have enough money (Cambridge Dictionary, 2023) [6]. McCully uses the term "welfare state," which describes policies, programs, and practices aimed at providing social protection to people. It is a fundamental dimension of modern government that ultimately benefits all members of society. Under this concept, digital tools are implemented, giving rise to the "state of digital well-being" (2020) [16]. Marshall and Bottomore (1998),

as cited by Coddou McManu & Smart Larraín, mention:

"The state of digital well-being involves the creation of state institutions that, coordinated with each other, ensure that all citizens of a state can access a minimum of social benefits and services, whether these minimums are articulated through social rights, a social protection network, or a kind of social citizenship" (2021) [9].

Additionally, Muradiye indicates that "it is the digitization of public policies and services, making them efficient and effective in promoting the prosperity of citizens" (2019) [17].

With the mentioned definitions, it is possible to express that digital well-being is closely linked to electronic government, defined as:

"The use of information and communication technologies by government institutions to qualitatively improve the information services offered to citizens; increase the efficiency and effectiveness of public management, and substantially increase the transparency of the public sector and citizen participation" (OAS, 2023) [18].

E-government is focused on improving the services offered to citizens and providing social protection, while digital well-being not only involves the government offering and making these services available but also ensuring that citizens can make use of these programs and benefit from their policies, guaranteeing universal access to all citizens.

### Current situation

In the words of Philip Alston, "the digitization of social assistance is presented as an altruistic and noble enterprise to ensure that citizens benefit from new technologies" (2020) [2]. However, there is much more beneath the surface; the same author mentions that "most indications suggest that digitization will serve as a Trojan horse to unleash neoliberal hostility towards social assistance."

Digital Well-being State systems present various vulnerabilities concerning human rights. Illustratively, here are some of these vulnerabilities:

In Mexico, so-called "cyber patrolling" is carried out to identify and detect criminal behavior online, which may sound positive. However, according to Article 19 (2023) [4], this is done without regulation or transparency through open-source intelligence (OSINT), which can become a form of communication surveillance, violating human and digital rights to privacy, freedom of expression, and access to information.

Another violation of digital rights occurs with the reforms made to the Federal Copyright Law following the implementation of the USMCA (T-MEC in Spanish), where elements of American copyright law, such as the "notice and takedown" system, were applied to the Mexican legal system. In this system, a mere accusation is enough to remove reported content from the internet, a form of unchecked censorship that allows the removal of material from the public domain or free licenses directly, negatively impacting freedom of expression (Digital Rights, 2020) [11].

It has also been documented that Mexican authorities have used cyberattacks to invade the privacy of human rights defenders, journalists, and other civil society actors, constituting cybercrimes as defined by the Budapest Convention (R3D, 2018) [22].

Furthermore, it is essential to highlight that these digital well-being state systems are managed by machine learning, algorithms, and big data, where the data collection "reinforces the marginalization of those accessing public benefits by subjecting them to increased scrutiny and suspicion" (McCully, 2020) [16].

Regarding the digital quality of life of the population in Mexico, the following table illustrates its behavior in recent years.

**Table 1. Digital Quality of Life Index in Mexico**

Indicator	2023	2022
Overall rank	64	62
Internet affordability	93	55
Internet quality	56	63
Electronic infrastructure	59	77
Electronic security	70	63
E-government	52	48

**Source 1. [25]**

These indicators provide an overview of the current situation of digital quality of life in Mexico, covering aspects such as the overall rank, internet accessibility and quality, electronic infrastructure, electronic security, and e-government.

It is evident that Mexico, in general, lost two positions in the ranking, now occupying the 64th position out of a total of 121 evaluated countries. In terms of the affordability of the internet, there was a significant decline, reflecting the cost of acquiring this service in Mexican households. Thus, it can be inferred that the cost for this service increased. This is closely related to the next point, the quality of the internet, which did show an improvement of 7 positions compared to the previous year.

For electronic infrastructure, there was also an improvement, indicating that more people have access to the internet. It is worth noting that the concept of electronic security includes cybersecurity and data protection laws. Mexico lost 7 positions in this regard, which is a significant setback, as these two issues are considered digital rights. Finally, in e-government, there was a decrease of 4 positions, directly related to the digital well-being state, as already discussed in this document.

### Human Rights

Within this concept, there is a much clearer consensus on what they are, which ones exist, and who is obligated to protect them, so some definitions are offered in this regard.

They are rights inherent to all human beings, regardless of their race, gender, nationality, ethnicity, language, religion, or any other condition. Human rights include the right to life and freedom, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Every person has these rights without discrimination. (UN, 2023) [28]

On the other hand, the Civil Association Human Chains describes them as "the faculties that we, as human beings, have solely by virtue of being human. They are inherent to the human person and allow them to live and develop under conditions of dignity" (2003, p. 15) [5].

Meanwhile, according to the National Human Rights Commission (CNDH), human rights are "a set of prerogatives based on human dignity, whose effective realization is indispensable for the integral development of the individual" (2023) [8].

### Current Situation

According to Amnesty International (2023) [3] in its annual report for 2022/2023, "it turned out to be the deadliest year in history for the press." At least 13 journalists were killed due to their work, and the lack of transparency, accountability, and access to information makes it more challenging for victims of human rights violations to access justice.

### Digital Rights

While it is true that there is no general consensus worldwide on the definition of these rights, nor is there agreement on what they should be, an approximation can be established.

A definition offered by the United Nations Global Compact states:

"They are an extension of the rights enshrined in the Universal Declaration of Human Rights of the United Nations (UN) that promote a digital transformation

model that reinforces the human dimension. Their ultimate goal is to ensure access to the internet for all people to close the digital gap and promote the correct use of the network as a common good for all humanity." (2022) [19]

Another definition, much shorter in text but broad in scope, states that "digital rights are understood as Human Rights in digital environments" (Ibero-American General Secretariat, 2023) [24].

According to the Human Rights Commission of Mexico City:

"They are an extension of human rights exercised in the digital environment and guarantee all individuals access, use, creation, and publication of information through electronic devices, internet platforms, and social networks. They relate to how we exercise, promote, and defend our rights through digital information and communication technologies." (CDHCM, 2023) [7]

Thus, these digital rights can also be directly related to the exercise of full digital citizenship, described as individuals capable of using digital tools to create, consume, communicate, and interact positively and responsibly with others. They understand and respect human rights, embrace diversity, and become lifelong learners to keep up with the evolution of society. (Council of Europe, 2023) [10]. Lozano Díaz & Fernández Prados, on the other hand, start with the idea that the digital citizen is "a person who exercises their citizenship rights on the internet from ethical and critical principles consistent with political activism to promote social change" (2019) [16].

### Current Situation

As mentioned, there is no general consensus on digital rights, so each country makes its own efforts. A compilation is presented in Table 2, which is not intended to be exhaustive but illustrative.

**Table 2. Digital Rights**

Origin	Regulation	Notes	Legislation
Spain	Digital Rights Charter	Non-binding	Organic Law 3/2018. Title X. Guarantee of digital rights
Mexico	Charter of Rights of the person in the Digital Environment: Code of good practices (draft)	Non-binding	General Law on the Protection of Personal Data Held by Obligated Subjects. Federal Law on the Protection of Personal Data Held by Individuals.
Iberoamerica	Ibero-American Charter of principles and rights in digital environments	Non-binding	NA
European Digital Rights	Digital Rights Charter	Includes 33 civil organizations and 19 European countries	NA

**Source 2. Own Elaboration**

Regarding the mentioned regulations, only Spain has the Digital Rights Charter and a specific law to protect them in a binding and legally supported manner. In Table 3, digital rights are presented along with the sources that coincide with them.

**Table 3. Digital Rights**

Rights	Considered by
➤ Rights and freedoms in the digital environment	Spain, Ibero-American Charter, European Digital Rights
➤ Identity rights in the digital environment	Spain, Mexico
➤ Data protection	Spain, Mexico, Ibero-American Charter, Global Digital Rights Charter, European Digital Rights
➤ Pseudonymity	Spain, Mexico, Global Digital Rights Charter, European Digital Rights
➤ Non-location and profiling	Spain, Mexico
➤ Cybersecurity	Spain, Mexico, Ibero-American Charter
➤ Digital inheritance	Spain, Mexico
➤ Non-discrimination	Spain, Mexico, Global Digital Rights Charter

➤ Internet access	Spain, Mexico, European Digital Rights
➤ Protection of minors in the digital environment	Spain, Mexico, Ibero-American Charter
➤ Universal accessibility in the digital environment	Spain
➤ Digital access gaps	Spain
➤ Net neutrality	Spain, Mexico
➤ Freedom of expression and information	Spain, Mexico, European Digital Rights
➤ Right to receive truthful information	Spain, Mexico
➤ Citizen participation through digital means	Spain, Mexico, Ibero-American Charter
➤ Digital education	Spain, Mexico, Ibero-American Charter
➤ Digital rights of citizens with Public Administrations	Spain, Mexico, Ibero-American Charter
➤ In the workplace	Spain, Mexico
➤ The company in the digital environment	Spain
➤ Access to data for public interest, scientific, historical, statistical, innovation, and development purposes	Spain
➤ Technological development and sustainable digital environment	Spain
➤ Protection of health in the digital environment	Spain, Ibero-American Charter
➤ Freedom of creation and access to culture in the digital environment	Spain, Ibero-American Charter, Global Digital Rights Charter
➤ Rights regarding artificial intelligence	Spain, Mexico
➤ Digital rights in the use of neurotechnologies	Spain, Mexico
➤ Guarantee of rights (author) in digital environments	Spain, Mexico, European Digital Rights
➤ Effectiveness	Spain
➤ Portability	Mexico
➤ Leisure in cyberspace	Mexico
➤ Use of social networks	Mexico
➤ Transmission, reception, and secure processing of information	Mexico
➤ Digital image	Mexico
➤ Meeting, association, and participation	Mexico, Global Digital Rights Charter
➤ Digital disconnection	Mexico
➤ Privacy in the use of video cameras in the workplace and disposal of stored digital data	Mexico
➤ Digital inclusion and connectivity	Ibero-American Charter
➤ Centrality in people	Ibero-American Charter
➤ Rights to life and the pursuit of digital happiness	Global Digital Rights Charter
➤ Ownership and possession of digital objects	Global Digital Rights Charter
➤ Freedom to transact with digital objects	Global Digital Rights Charter
➤ Use of decentralized applications	Global Digital Rights Charter
➤ Exiting any digital service while reclaiming personal digital data	Global Digital Rights Charter
➤ Freedom from collective punishment in the digital realm	Global Digital Rights Charter
➤ Support for the control of exports of surveillance and censorship technologies	European Digital Rights
➤ Multisectoralism	European Digital Rights
➤ Promotion of free software	European Digital Rights
➤ Defense of democracy and the rule of law	European Digital Rights

**Source 3. Own Elaboration. Based on (Spain Government, 2021); (INAI, 2023); (Secretaría General Iberoamericana, 2023); (@punk6529, 2023) [1]; (EDRi, 2023))**

## Conclusions

Based on the gathered information, it is possible to establish a connection among the mentioned concepts. By exercising the digital right of internet access, considered a human right to fulfill duties as a digital citizen and utilizing the resources and services offered by the government, achieving a state of digital well-being becomes feasible.

Regarding human and digital rights, the direct relationship between them is evident. Digital rights can be viewed as an extension of human rights applied to the current digital environment. Violating any digital right equates to a direct infringement of human rights, and the absence of effective regulation on digital rights promotes discrimination and inequity across various aspects of life. This not only jeopardizes individual autonomy but also the democratic foundation itself (Public Citizen, 2023) [21].

In the specific case of Mexico, there are still many areas for improvement, especially in legal aspects to standardize and define a clear strategy on which digital rights the Mexican government should protect, promote, and enforce. It is crucial that this regulation explicitly outlines the government's scope regarding individual privacy, freedoms of assembly, expression, and personal data protection, preventing unregulated practices under the pretext of security that undermine digital rights.

Finally, the research leaves several topics open for future investigations, such as violations of digital rights by the Mexican state, proposing a regulatory legal framework considering the digital rights charter, strategies to limit the collection of personal data, designing a data protection agenda, or restricting government access to citizens' personal data.

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