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Building an Inclusive Digital Society for Persons with Disabilities

New Challenges and Future Potentials

edited by
Carola Ricci



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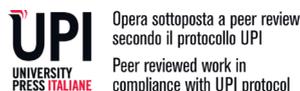
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Disability and Social Media: Paving the Road to a Different Approach in the Protection of Human Rights in the Digital Era

Silvia Favalli*

1. Introduction

In the last decade, social media¹ – namely, websites and applications that enable users to create and share content or to participate in social networking – have acquired a primary role in individual and community life. In addition, for vulnerable groups at risk of social exclusion they represent an unprecedented opportunity to actively participate and be fully included in society. In this vein, persons with disabilities are increasingly turning to popular social media, taking advantage of interacting with social network platforms and benefitting from targeted mobile apps.

Correspondingly, the many benefits of social media use for the promotion and protection of human rights worldwide have been widely documented. Social media embody a powerful tool for human rights advocacy and awareness raising, as well as a new mean to promote health information, to monitor and manage vulnerable persons' well-being, to develop new kind of peer-to-peer online support. In particular, they offer new opportunities for care and communication specifically dedicated to persons with disabilities, who reports benefits from greater social connectedness and feelings of group belongings.

However, these tools also generate new challenges for the existing policy and legal framework, where new concerns addressing core human rights have been rapidly emerging. In this context, the situation of social media users with disabilities is particularly delicate.

Under such premises, the Project «Building an Inclusive Digital Society for Vulnerable Persons: The Role of Social Media Tools in a Disability Human Rights Perspective»,

* This paper builds upon a previous piece of research presented during the #TILT Young Academics Colloquium at the University Verona and published in Favalli S., *Disability, Social Media and Human Rights: 'What's the catch?'*, in *Trending Topics in International and EU Law: Legal and Economic Perspectives*, Napoli: Edizioni Scientifiche Italiane, 2019, p. 19 ss. The present contribution has been prepared within the framework of the call *Blue Sky Research Project 2017* financed by the University of Pavia and dedicated to «Building an Inclusive Digital Society for Vulnerable Persons: The Role of Social Media Tools in a Disability Human Rights Perspective», of which the Author is the co-investigator.

¹ The definition of the term social media is elusive. This research builds upon the understanding of social media provided by Kaplan and Haenlein, according to which there are different types of social media: collaborative projects (*i.e.* Wikipedia), blogs and microblogs (*i.e.* Twitter), social networking sites (*i.e.* Facebook), content communities (*i.e.* YouTube), virtual social worlds (*i.e.* Secondlife), Virtual game worlds (*i.e.* World of Warcraft). Kaplan A.M., Haenlein M., "Users of the World, Unite! The Challenges and Opportunities of Social Media", *Business Horizons*, 53(1), 2010, pp. 59-68.

financed by the University of Pavia under the call *Blue Sky Research 2017*, aims at making an original contribution to the issue of the legal and social dimensions of IT technologies, focusing on the crucial role of social media online tools in shaping the actual ‘digital society’ as a fully inclusive society for persons with disabilities. The research has been conducted adopting the viewpoint of persons with disabilities as privileged digital stakeholders, with the ultimate purpose to identify a new global and transnational governance in determining the proper legislative framework for an effective legal protection of such vulnerable groups in order to guarantee them access to IT technologies’ advantages without suffering undue violation of their fundamental human rights. In particular, this paper analyses the most relevant challenges that the widespread use of social media by persons with disabilities generates for the protection of their human rights, focusing on social media accessibility, freedom of expression and opinion, privacy and data protection, human dignity and autonomy.

2. Human Rights in the Digital Age

In the last fifteen years, the interest on the interface between human rights and new digital technologies, with particular reference to the Internet and social media, has rapidly spread worldwide.

The United Nations World Summit on Information Society (WSIS) process 2003-2005,² which took place in two phases, respectively in Geneva (from 10 to 12 December 2003) and in Tunis (from 16 to 18 November 2005), is considered the first global attempt to translate human rights for the development and the global governance of the information society. For the first time, the UN declared its commitment to

build a people-centred, inclusive and development-oriented Information Society... premised on the purposes and principles of the Charter of the United Nations and respecting fully and upholding the Universal Declaration of Human Rights.³

Following the WSIS Summit, the calls for the protection of human rights in the digital arena have resulted in various initiatives at the international and the regional levels.

At the global level, the WSIS Summit resulted in the creation of the Internet Governance Forum (IGF), an annual multi-stakeholder forum in which international agencies (*i.e.* UNESCO, ITU), international organizations (*i.e.* the African Union, the European Union, the Organization of American States, the OECD), governments, Internet professionals, businesses, NGOs and civil society organizations (*i.e.* W3C) focus on the development of the Internet, as well as its interaction with other areas of public policy. The United Nations Human Rights Council has since referred to human rights in the digital world in its reports

² URL: <<https://www.itu.int/net/wsis/index.html>> [accessed on 05/09/2019].

³ “Geneva Declaration of Principles, Building the Information Society: A Global Challenge in the New Millennium”, adopted 10-12 December 2003, Geneva, WSIS-03/GENEVA/DOC/0004. URL: <<https://www.itu.int/net/wsis/docs/geneva/official/dop.html>> [accessed on 05/09/2019].

on the right to freedom of expression and opinion⁴ and on the right to privacy in the digital age.⁵ In 2009, the UNESCO commissioned a flagship series of publication on Internet Freedom to explore the changing legal and policy issues of the Internet and provide policy recommendations.⁶ In 2013, the Internet Rights & Principles Dynamic Coalition – an international network of individuals and organizations based at the UN Internet Governance Forum – launched its flagship document, the Charter of Human Rights and Principles for the Internet, or ‘Charter 2.0’.⁷

At the regional level, the African Declaration on Internet Rights and Freedoms,⁸ launched during the 2013 African Internet Governance Forum, is a Pan-African initiative to promote human rights standards and principles of openness in Internet policy formulation and implementation on the continent. In Europe, both the Council of Europe and the European Union have respectively developed digital governance strategies. The Council of Europe has recently adopted its new Internet Governance Strategy 2016-2019.⁹ The European Union has developed several initiatives under the Digital Agenda, one of seven flagship initiatives under the Europe 2020 Strategy.¹⁰

Nonetheless, to date, self-regulation of Non-State actors prevails, while there is no targeted global governance in determining a proper policy and legal framework regulating the digital world. In this context, the only international binding legal instrument expressly referring to the importance of access to new information and communications technologies and systems, including the Internet, is the 2006 United Nations Convention on the Rights of Persons with Disabilities (hereinafter, CRPD).

2.1. New Information and Communication Technologies in the United Nations Convention on the Rights of Persons with Disabilities

The CRPD, which is the UN human rights treaty most recently adopted, recognises the increasing role of new information and communications technologies and systems in the actual individual and community life, with particular reference to persons with disabil-

⁴ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, 16 May 2011, A/HRC/17/27.

⁵ Report of the Office of the United Nations High Commissioner for Human Rights, The Right to Privacy in the Digital Age, 30 June 2014, A/HRC/27/37.

⁶ See the UNESCO website. URL: <<https://en.unesco.org/unesco-series-on-internet-freedom>> [accessed on 05/09/2019].

⁷ See the UN Internet Governance Forum website. URL: <<http://internetrightsandprinciples.org/wpcharter>> [accessed on 05/09/2019].

⁸ See the African Internet Governance Forum website. URL: <<http://africaninternetrights.org/Articles/>> [accessed on 05/09/2019].

⁹ Internet Governance – Council of Europe Strategy (2016-2019), “Democracy, Human Rights and the Rule of Law in the Digital World”. URL: <<https://www.coe.int/en/web/freedom-expression/igstrategy>> [accessed on 05/09/2019].

¹⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Digital Agenda for Europe, COM(2010) 245 final/2.

ities. In this vein, this Convention widely refers to information technologies in relation to various rights: equality and non-discrimination (Article 5), accessibility (Article 9), freedom of expression and opinion and access to information (Article 21), privacy (Article 22), health and rehabilitation (Articles 25 and 26), and participation in political and public life (Article 29).

More precisely, the CRPD does not expressly mention social media, presumably because at the time of its conclusion the social media phenomenon was not yet widespread. Nonetheless, more recently, the UN Committee on the Rights of Persons with Disabilities (hereinafter, CRPD Committee) has pointed out the peculiar role of social media in the actual individual and community life with reference to persons with disabilities. In General Comment No. 5 on independent living, the CRPD Committee has enumerated social media tools among the «non-disability-specific support services and facilities for the general population in the community», which «must be available, universally accessible, acceptable and adaptable for all persons with disabilities».¹¹

3. Social Media Accessibility

Assistive technologies (for example, screen readers for Internet users with blindness) are indispensable tools for guaranteeing access to information technologies for persons with disabilities. However, for assistive technology to work effectively it is also essential that web content and apps are built in conformity with relevant accessibility standards. As a result, social media accessibility depends either on the possibility to use assistive technology and on the accessibility of social media websites, *i.e.* web accessibility. In this vein, following the entry into force of the CRPD, web accessibility has been brought within the realm of human rights for people with disabilities.

3.1. Social Media Accessibility: The Relevant Legal Framework

The CRPD lays down an international obligation for States to design accessible websites and to provide public information in accessible and usable online formats. Such a duty derives from Articles 9 (accessibility) and 21 (freedom of opinion and expression, and access to information) CRPD, to be read in conjunction with Article 4 (general obligations), Article 5 (non-discrimination) and 19 (independent living) CRPD.

3.1.1. Web Accessibility

The CRPD recognizes that access to the physical environment, to transportation, to information and communication, and to other facilities and services is indispensable to guarantee that persons with disabilities have equal opportunities for participation in society.

¹¹ Committee on the Rights of Persons with Disabilities, *General Comment No. 5 (2017) on living independently and being included in the community*, 27 October 2017, CRPD/C/GC/5.

In this connection, accessibility is enumerated among the principles on which the CRPD is grounded (Article 3(f)). Furthermore, accessibility is considered as «a precondition for persons with disabilities to live independently and participate fully and equally in society»¹² (Article 19), as well as «a means to achieve de facto equality for all persons with disabilities»¹³ (Article 5).

In particular, from the CRPD it is possible to infer an international obligation for States Parties to take all appropriate measures to ensure that people with disabilities can equally perceive, understand, navigate, and interact with websites and tools, namely to guarantee web accessibility. According to Article 9 CRPD, States Parties are required to identify and eliminate barriers to access to, *inter alia*, «information, communications and other services» (Article 9(1)(b)). For this purpose, States are also required to encourage private entities and the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities. Hence, States must take measures to «develop, promulgate and monitor the implementation of minimum national standards for the accessibility of facilities and services open or provided to the public» (Article 9(2)).

3.1.2. Freedom of Expression and Opinion and Access to Information

Access to information and communication – including access to digital information and communication tools, *i.e.* web accessibility – is also a precondition for the enjoyment of freedom of opinion and expression, also guaranteed under the Universal Declaration of Human Rights (hereinafter, UDHR) and the International Covenant on Civil and Political Rights (hereinafter, ICCPR).

However, while under the above-mentioned human rights instruments the right to freedom of opinion and expression is qualified as a negative right (non-interference with personal opinion), the CRPD transforms such right into a positive one. More precisely, the CRPD ‘reformulates’ the right to freedom of expression and opinion, as encompassing the State obligation to provide public information in accessible and usable formats.

Hence, according to Article 21 CRPD, States Parties are obliged to provide information intended for the general public in accessible formats (and this clearly includes accessible websites) in order to ensure that persons with disabilities can exercise «the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice».

Correspondingly, according to Article 4(1)(g), States are required to promote the use of, *inter alia*, information and communications technologies and assistive technologies «at an affordable cost».

¹² Committee on the Rights of Persons with Disabilities, *General Comment No. 2 (2014), Article 9: Accessibility*, 22 May 2014, CRPD/C/GC/2.

¹³ Committee on the Rights of Persons with Disabilities, *General Comment No. 6 (2018) on equality and non-discrimination*, 26 April 2018, CRPD/C/GC/6.

3.2. *Web Accessibility Standards*

The duty to design accessible websites drawn down by the CRPD represents an international obligation, binding for all the numerous States Parties of the UN Convention. Nonetheless, such a duty is frustrated by the absence of a definitive standard by which web accessibility is gauged and, as a result, social media platforms are still mainly not accessible.

In a context in which the self-regulation of private entities prevails, accessibility guidelines and standards are set by standardization organizations. These are, in general, private bodies developing, issuing and revising standards, *i.e.* technical or quality requirements which specify the technical or normative requirements of goods, services and production processes. Currently, the main self-regulatory body is the World Wide Web Consortium (W3C), an international consortium where member organizations, full-time staff, and the public work in tandem to pursue the accessibility of the Internet.¹⁴ The W3C created various working groups to develop web standards, guidelines and supporting materials within the realm of the Web Accessibility Initiative (WAI). In 1999, the W3C established the first accessibility standard for the Web (Web Content Accessibility Guidelines) WCAG 1.0. In December 2008, the WAI revised the WCAG guidelines and published an updated version (WCAG 2.0). In June 2018 the WAI published the WCAG 2.1, which are currently in use. WCAG 2.1 provides 17 additional success criteria to address mobile accessibility, people with low vision, and people with cognitive and learning disabilities. To date, the W3C's accessibility standards for the Web – the WCAG (Web Content Accessibility Guidelines) – are accepted as the primary standard by which accessibility should be measured. However, accessibility standards and guidelines – including the WCAG – are, by definition, merely voluntary.

In other words, it depends on the sensitivity of private entities to address the accessibility concerns of their online platforms, whereby the accessibility standards provided are not compulsory. However, it is in the self-interest of private entities to address accessibility concerns for their users, where one of the peculiarities of the virtual world is that the value of an online platform largely comes from the social networking provided by the participants. In this connection, in recent years there have been significant accessibility improvements in the most famous social media tools. For instance, in 2009, Facebook, in consultation with the American Foundation for the Blind, overhauled the platform to make it more accessible. The following year it became the most visited site on the web.

Nonetheless, this is not sufficient. It also rests on individual users to adopt all the tips and methods (*i.e.* using plain language, image descriptions, video captioning, link shorteners, etc.) that improve the accessibility of their own profiles on social media.

4. Social Media and Privacy Concerns

The CRPD partially reformulates and updates the right to privacy provided by other international instruments, such as the UDHR, the ICCPR, the Convention on the Rights of

¹⁴ See the World Wide Web Consortium (W3C) website. URL: <<https://www.w3.org/WAI/intro/usable>> [accessed on 05/09/2019].

the Child (CRC), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), thus adopting a more disability-oriented perspective. In particular, it is emphasised the interconnection between the concepts of privacy (Article 22), legal capacity (Article 12) and individual autonomy as key aspects of human dignity for persons with disabilities.

4.1. Privacy and Data Protection: The Relevant Legal Framework

Article 22(1) CRPD broadly refers to the general protection of privacy and reputation of persons with disabilities. It protects personal and family privacy and reputation from arbitrary and unlawful interference with, *inter alia*, «correspondence and other types of communication» – which can surely include social networking platforms – «regardless of the place of residence or living arrangements». The latter specification purports to encompass the situation of persons with disabilities living in institutions or in any other arrangements where privacy losses might be prominent at the expenses of the autonomy and dignity of the individual.

Article 22(2) CRPD aligns with the most recent developments of the right to privacy, which includes an autonomous right to data protection. It provides protection to the privacy of «personal, health and rehabilitation information of persons with disabilities on an equal basis with others».

As clarified by the CRPD Committee,¹⁵ this latter provision must be read in combination with Article 12 CRPD in relation to the recognition of the individual's legal capacity (*i.e.* the capacity to be both a holder of rights and an actor under the law¹⁶) and his/her equal protection under the law. Namely, legal capacity, which entitles a person to the full protection of his or her rights by the legal system, constitutes a prerequisite to receiving protection before the law on an equal basis with the other citizens in compliance with Article 12 CRPD. Traditionally, persons with disabilities have been denied their right to legal capacity throughout the imposition of so-called substitute decision-making regimes (such as guardianship or judicial interdiction), totally depriving the individual of his/her capacity to be recognised as a person before the law. In this vein, the CRPD Committee clarifies that, according to the CRPD, «States parties must holistically examine all areas of law» – including those relevant for privacy and data protection concerns – «to ensure that the right of persons with disabilities to legal capacity is not restricted on an unequal basis with others».¹⁷ Hence, it derives from the CRPD that States are required to abolish those practices and to replace them with so-called supported decision-making regimes, which respect the person's autonomy, will and preferences. Namely, supported decision-making

¹⁵ Committee on the Rights of Persons with Disabilities, *General Comment No. 1 (2014). Article 12: Equal recognition before the law*, 19 May 2014, CRPD/C/GC/1, para. 47.

¹⁶ *Ibidem*, para. 12: «Legal capacity to be a holder of rights entitles a person to full protection of his or her rights by the legal system. Legal capacity to act under the law recognizes that person as an agent with the power to engage in transactions and create, modify or end legal relationships».

¹⁷ *Ibidem*, para. 7.

regimes are not identified by the CRPD Committee, but can comprise various options. Overall, these regimes must be available to all, meaning that States have an obligation to facilitate the creation of support which is accessible and available at nominal or no cost, and must give primacy to the person's will and not on «what is perceived as being in his or her objective best interests».¹⁸ In this vein, support in decision-making cannot be used as justification for limiting other fundamental rights (right to vote, to marry, to reproductive rights, to give consent for medical treatment, etc.), but it is necessary to ensure that the person have the right to refuse support and terminate or change the support relationship at any time.

This is relevant with reference to the protection of the right to privacy of persons with disabilities, whereas substitute decision-makers usually gain access to a wide range of personal and other information regarding the person under their custody. Consequently, States Parties are not only required to shift from substitute decision-making to supported decision-making systems (Article 12 CRPD), but they are also obliged to ensure that those providing support in the exercise of legal capacity fully respect the right to privacy of persons with disabilities (Article 12 in combination with Article 22(2) CRPD) in the respect of the individual autonomy of the person, including the freedom to make one's own choices.

4.1.1. Security Issues and Anti-Discrimination Protection

Privacy and data protection are paramount concerns for all social media users. Even though personal data cannot be lawfully harvested without users' autonomous consent, in the digital environment there are structural problems to the effective exercise of the principle of consent with reference to data protection. On the one hand, social media privacy policies are far too complicated for ordinary users, who mostly do not even read privacy policies, nor change the highly permeable privacy preferences prearranged. On the other hand, after being lawfully collected, data can be sold to other service providers so that users cannot truly foresee the effects of their consent, nor be aware of all the third parties their data are shared with.

In this context, the situation of social media users with disabilities is particularly delicate, due to security and anti-discrimination issues. Persons with disabilities tend to have more personal information stored than the average citizen does – for example, persons with disabilities rely heavily on geolocation on mobile devices for navigation and independence, with major risks of exploitation for malicious purposes. Moreover, besides the data protection concerns mentioned above, which are common to all users, social media contributors with disabilities suffer major risks of disclosure of personal information that may be used to discriminate against them. Namely, proper privacy protection also offers safeguards against discrimination, whereby undermining access by third parties to personal information can prevent their ability to discriminate. Meaningfully, the disability status

¹⁸ *Ibidem*, para. 28.

itself is considered a piece of private information which persons with disabilities may decide to hide to prevent discrimination. For instance, restricting employers' access to information about the protected status of employees can reduce the chances of discriminatory conduct in the workplace. However, this information can automatically be discovered (and eventually stored) by web browsers. As users peruse web applications, they leave traces that can be used as 'fingerprints' to identify and track the user's behaviour. Many add-ons are designed for persons with disabilities, so their presence is often a good indication of a user's disability. For instance, it is possible to discover if a user is a person with blindness by detecting whether he/she is using a screen reader or accessibility-related plug-ins.

Moreover, in some cases, disability status can also be automatically discovered through the use of algorithms relying on metadata. This is the case with algorithmic identification of mental health issues of social media users. In other words, the identification of personal information such as mental health characteristics is feasible on the basis of easily available information on social media – *i.e.* timing, number and length of postings or the number of social connections – or on hidden information which are buried in the content produced – *i.e.* choice of colour filters or key phrases – that seem innocuous unless tied to other indicators, for instance, of depression.¹⁹

4.2. Privacy, Accessibility and Autonomy

In abstracto, accessibility and privacy together are preconditions to achieving equality and non-discrimination,²⁰ which are in turn essential principles for the recognition of the equal right of persons with disabilities to live independently and be included in the digital community.²¹ However, *de facto*, addressing security and privacy threats can negatively affect the usability and accessibility of social media platforms while jeopardizing the autonomy of users with disabilities in social media use. Namely, each type of authentication method used by website platforms to protect the digital identity of users poses challenges for persons with specific disabilities.

For instance, password-based methods are the most common forms of authentication method, requiring a login ID and a password. Passwords are usually accessible for persons with sensory or physical impairments but, at the same time, they are not accessible for people with cognitive impairments. Human-interaction proofs, *i.e.* CAPTCHA, are considered the most challenging authentication method and have a low rate of success for persons with different types of disability – in fairness, they have also registered a low rate of success for persons without disabilities. Biometrics (fingerprint recognition, voice registration, retina or iris scanning), which are increasing in popularity, necessarily exclude at least persons with one type of disability from their users.

As a result, persons with disabilities are obliged to be dependent on a caregiver (or a

¹⁹ Felzmann H., Kennedy R., "Algorithms, social media and mental health", *Computers & Law*, 27(4), 2016, pp. 31-34.

²⁰ Committee on the Rights of Persons with Disabilities, *General Comment No. 6 (2018)*, para. 40.

²¹ Committee on the Rights of Persons with Disabilities, *General Comment No. 5 (2017)*, para. 2.

third person) to have access to some services, including social media platforms so that they are required to disclose passwords and private information. In other words, security concerns are emphasised at the expense of the individual autonomy of users with disabilities, revealing the existence of a sort of ‘trade-off’ between privacy and autonomy.

4.2.1. *Privacy and Autonomy: A Trade-Off?*

From the analysis above, it emerges a sort of ‘trade-off’ between privacy and autonomy for users with disabilities. Accordingly, social media users with disabilities are forced to choose between two options equally affecting their possibilities of living independently and actively participating in the digital society.

On the one hand, when choosing not to use social media, persons with disabilities risk being excluded from the growing digital society. On the other hand, when choosing to use social media, they accept to turn down their own autonomy to be part of the online society. At the same time, paradoxically, the lack of autonomy represents the main barrier in the participation of persons with disabilities as equal members of society and in the enjoyment of their fundamental rights.

How to solve such a conundrum? As this paper contends, a shift in perspective might be appropriate. Namely, adopting a disability-oriented approach in managing the new challenges that the protection of human rights is facing in the digital environment.

To date, in international human rights law, autonomy has been traditionally considered as an implicit characteristic of human beings – intended as individuals fully *capable* of enjoying human rights. Hence, autonomy is not mentioned in any international human rights instrument, apart from the CRPD. In particular, Article 3(a) CRPD recognises individual autonomy as a cornerstone of human dignity for persons with disabilities. The enunciation of the principle of individual autonomy as an essential part of human dignity is considered a specificity of the CRPD, where this concept generally refers to «the ability of persons with disabilities to do things on their own without the assistance of others and is linked to the right to be ‘free to make one’s own choices’».²²

With reference to the issue at stake, though, autonomy might be correspondingly understood as the right of users to make their own decisions regarding the use of social media without the interference of third persons. In this vein, even though the situation of users with disabilities is particularly delicate, there is no substantial difference between users with and without disabilities. As emphasised above, new technologies – including social media – have made it possible to aggregate and process an impressive amount of personal data, which have become the main resources and commodities of online activities. In this context, personal data are constantly harvested by private and public entities (social media platforms, technology companies, public administration, intelligence services, etc.) without the possibility for individual data owners to exercise their own *capacity* of self-rule

²² Mégrét F., “The Disabilities Convention: Human Rights of Persons with Disabilities or Disability Rights?”, *Human Rights Quarterly*, 30(2), 2008, pp. 494-516, at p. 511.

about their collection, analysis and trade. As a result, in the data ecosystem, all users (with and without disabilities) suffer a loss in their autonomy and capacity of self-rule.

In this connection, a new interest in the concept of autonomy as «a key element of human beings»²³ has been gradually emerging also in relation to the protection of human rights in the digital age, in particular with reference to the search for a new digital ethics.²⁴ In other words, new digital technologies are challenging the traditional construction of fundamental rights and values. However, while the principle of individual autonomy and its implications on the protection of fundamental rights are well-established in disability human rights law, by contrast the same issue is still at an early stage of development in the analysis of the new challenges that the protection of human rights is facing in the digital environment.

5. Conclusive Reflection

In the digital world, users both with and without disabilities are substantially deprived of their individual autonomy in managing their own data. All users experience different degrees of *loss of abilities* – and consequently a diminished autonomy – while not being able to control the circulation of their personal information online.²⁵

However, while the principle of individual autonomy and its implications on the protection of fundamental rights are well-established in disability human rights law, by contrast the same issue is still at an early stage of development in the analysis of the new challenges that the protection of human rights is facing in the digital environment.

In this vein, as this paper contends, it is necessary to look for a different approach in the protection of human rights in the digital environment, thus considering the changing *capabilities* of individual users. The experience of disability rights with reference to the supported decision-making model is likely to be an invaluable point of reference for developing a more equal and human rights-oriented digital world. A disability-oriented approach might be an inspiring starting point to build a digital world which is more flexible and respectful of individual users' autonomy, will and preferences.

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