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Human Rights and Digital Choice: Rethinking the Right (Not) to Use the Internet¹

Abstract: As digitalization permeates nearly all areas of life, access to the internet has become essential for the exercise of numerous human rights, including freedom of expression, access to information, and participation in public life. However, the growing expectation to engage digitally may undermine individual autonomy, especially when access to fundamental services or legal entitlements depends on being online. This article examines the underexplored concept of the right not to use the internet as a human rights issue. It argues that digital non-use – whether by choice, necessity, or circumstance – must be recognized as an aspect of informational self-determination rooted in the principles of dignity and autonomy. While access to the internet facilitates other rights, the freedom to disconnect is equally essential to prevent new forms of exclusion, coercion, and surveillance. Drawing on evolving interpretations of existing rights – particularly the rights to privacy, freedom of expression, and non-discrimination – the

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paper proposes that digital autonomy requires protecting both positive and negative dimensions: the right to use the internet and the right not to use it. It hypothesizes that formally recognizing a 'right to digital non-use' as a separate human right faces significant challenges in highly digitalized societies, while the existing European human rights framework is sufficiently robust to protect this right. The analysis supports both hypotheses.

Keywords: digital autonomy, right not to use the internet, human rights, digital exclusion

Introduction

Digital technology has become nearly inescapable in modern life. Governments, businesses, and social services increasingly operate under a 'digital by default' paradigm, assuming universal internet use by their constituents. While efforts to promote internet access as a human right have gained momentum (De Hert & Kloza, 2012; Frosini, 2014; Kaur, 2021; Lucchi, 2013; Passaglia, 2022; Pollicino, 2020; Reglitz, 2020, 2023, 2024; Shandler, 2019; Tomalty, 2017), the flip side of the coin – the right to remain offline – has only recently entered legal and scholarly debate (Custers, 2019; Kloza, 2024; Passaglia, 2025). The central question examined in this article is whether individuals possess a human right to digital non-use, that is, the right not to be compelled to rely on the internet or related technologies as a prerequisite for exercising their rights or conducting their everyday affairs, as well as whether the catalogue of human rights can be expanded by adding the digital non-use right (the right not to use the internet). This question arises from the observation that what began as a mere convenience has swiftly become a *de facto* requirement for full participation in society (International IDEA, 2023; Kloza, 2024; Susi, 2025; Terzis, 2025). As online platforms replace physical services (from e-government portals to online banking), those who abstain from digital life risk marginalization. An additional question is whether human rights law protects individuals' freedom of choice to live an analogue existence, and whether this is in any form possible in the modern world. The first hypothesis of this article is that introducing the digital non-use right as a new human right would be difficult in view of the current level of digitalization in societies. The second hypothesis is that the current European catalogue of human rights is sufficient to protect the right not to use the internet. This article uses the formal and dogmatic research method. The analysis is limited to the area of Europe; therefore, European legal acts will be taken into consideration.

As a starting point for considerations concerning human rights, reference should be made to European legislation on the human rights protection system. Such legislation includes the European Convention on Human Rights (ECHR) adopted by the Council of Europe, as well as the Charter of Fundamental Rights of the European Union (EU Charter), adopted by the EU's institutions. European human rights instruments do not explicitly articulate a 'right to offline life'; however, several fundamental rights can be interpreted to offer protection for those who choose to abstain from

ubiquitous connectivity. By examining four key rights – privacy, self-determination, freedom of expression, and equality/non-discrimination – this article explores the legal foundations for a right not to use the internet. Each of these rights provides a lens on different aspects of the issue: (a) privacy relates to personal autonomy and the desire to be ‘let alone’ (Warren & Brandeis, 1890, p. 193); (b) self-determination speaks to the ability to shape one’s life course free from undue interference; (c) freedom of expression includes the liberty not to speak or to select the medium of communication; (d) equality demands that one’s life choices (such as remaining offline) not become grounds for exclusion or discrimination.

Throughout the analysis, a guiding principle is that human rights are meant to empower individuals with choice and agency. Just as human rights law has begun to affirm the right to internet access (to ensure everyone can go online if they wish) (Wiśniewski, 2021, pp. 114–120), by analogy it should also guard against forced digitalization and confirm that life offline must remain a viable and respected choice. The same human dignity that demands bridging the digital divide for those who want connectivity also demands protection for those who, for personal, ethical, or practical reasons, decline to use digital technologies.

1. The right to privacy

Under Article 8 of the ECHR, privacy and private life provide a primary foothold for the notion of a right to remain offline. Article 8 guarantees that ‘[e]veryone has the right to respect for his private and family life, his home and his correspondence’, subject only to necessary and proportionate limitations by law. The European Court of Human Rights (ECtHR) has interpreted ‘private life’ broadly to encompass personal autonomy and individual identity. In *S. and Marper v. United Kingdom* (2008), the Court famously stated that the right to privacy ‘can embrace multiple aspects of the person’s physical and social identity’. This jurisprudence signals that personal lifestyle choices, including how one engages with society and technology, fall within the protective scope of private life (Koops et al., 2017).

Privacy in the European human rights tradition is closely linked to human dignity and the notion of a personal sphere of freedom (Whitman, 2004). Choosing to live one’s life offline – for example, preferring face-to-face interactions, analogue media, and paper correspondence – can be seen as an exercise of personal autonomy in how one develops relationships and identity. Notably, the privacy right includes the ‘negative’ aspect of the right to be left alone, famously articulated by Warren and Brandeis (1890) as the core of privacy. In modern terms, being ‘let alone’ could translate into the right to opt out of digital surveillance and data collection. Indeed, scholars have argued that ‘in a world of automated data processing, being offline is the most genuine form of the right to respect for private life with regard to data protec-

tion [...] the “default setting” (Karaboga et al., 2017, p. 43), with any departure from that default requiring justification. This understanding aligns with the provisions of regulations such as Article 88 of the General Data Protection Regulation (GDPR), which empowers collective bargaining to adopt more specific rules to protect workers’ rights, including consent, privacy, and data management, thereby reinforcing the practical implementation of the right to digital non-use in employment settings (Miranda Boto & Brameshuber, 2024, p. 210). Karaboga et al.’s (2017) view is reinforced by data protection principles in European law, such as data minimization and purpose limitation (Article 5 GDPR), which require that if a less invasive means exists to achieve a purpose, it should be favoured. Choosing not to engage digitally is a way to control one’s personal data exposure, effectively exercising ‘informational self-determination’. Thus privacy and data protection rights can support an individual’s claim to an offline alternative when digital systems would otherwise compel them to disclose personal data or subject themselves to surveillance.

Crucially, privacy as protected by Article 8 also covers the ‘right to personal development’ and the right to establish and maintain relationships with others (Judgments of the ECtHR, 2002, 2008). This aspect has two implications for digital non-use. First, an individual may genuinely believe that abstaining from social media or online platforms is important for their personal development or mental well-being. Such a personal decision, intimately linked to one’s philosophy of life or health, lies within their private sphere. Second, if everyone else moves to digital-only communication, an offline person’s ability to develop contacts and relationships might be impaired, raising privacy concerns in terms of exclusion.

At the same time, it must be acknowledged that Article 8 is a qualified right; not every personal preference will be protected as a matter of fundamental rights. The ECtHR has held that there is a *de minimis* threshold of seriousness for an interference with private life to engage Article 8 (Judgment of the ECtHR, 2019); minor inconveniences or trivial choices may not suffice. For instance, in *Stevens v. UK* (1986), a case concerning a school requiring a uniform, the European Commission on Human Rights found no right ‘to refuse to buy a school uniform’ under Article 8. Therefore a claimant asserting a right to remain fully offline would need to show that being forced online causes more than trivial inconvenience – it must seriously affect their private life or enjoyment of other rights. The proportionality analysis under Article 8(2) will weigh the individual’s interest in offline autonomy against the state’s interest in digital efficiency or other aims. If a government contends that online-only systems are cost-effective or serve broader public interests (e.g. combating tax fraud or enhancing service efficiency), a court will examine whether less intrusive alternatives, such as maintaining an offline option or providing assistance, could achieve the same objectives without infringing on individual autonomy (Rossi, 2025).

The right to privacy enshrined in Article 8 of the ECHR is also guaranteed in the EU Charter (Article 7), which further underscores its significance within the Euro-

pean human rights tradition. Consequently, within the European Union there exists a dual framework of human rights protection, which reinforces the safeguarding of these rights and provides a broad basis for their observance across multiple spheres of human life.

2. The right to self-determination and autonomy

Closely intertwined with privacy, but deserving separate emphasis, is the right to self-determination. Although not codified as a distinct article in the ECHR or the EU Charter, the concept of personal self-determination underlies many human rights. It flows from the idea of individual freedom and human dignity protected in instruments like the Universal Declaration of Human Rights, and is implicit in the ECHR Article 8's protection of personal autonomy (Judgment of the ECtHR, 2002). In the context of technology, self-determination means the freedom to decide how and to what extent one engages with technological tools and digital networks. It is the freedom to define one's own relationship with technology according to one's values, be it enthusiastic adoption, cautious use, or principled refusal.

Moreover, personal autonomy is a value consistently upheld by the ECtHR across various domains. In *Pretty v. United Kingdom* (2002), while the Court ultimately did not find a right to assisted suicide, it affirmed that Article 8 encompasses the notion of personal autonomy over decisions of the utmost personal importance (the timing and manner of one's death, in that case). By extension, decisions about one's way of life, including the choice to eschew using information and communications technology (ICT), fall within that autonomous sphere. The Court of Justice of the European Union has similarly acknowledged autonomy in the digital context, for instance by empowering individuals via data protection (the rights to object to processing, to erasure, etc., under the GDPR are legal tools enabling self-determination over personal data). The EU Charter's Article 1 states that '[h]uman dignity is inviolable. It must be respected and protected.' Human dignity arguably requires that individuals are not reduced to mere cogs in a digital machine or forced to conform to a technological mode of living against their will. As one commentator puts it, a right to an 'analogue life' can be ethically justified to preserve human agency in the face of pressures to digitize everything (Terzis, 2025, p. 55). Ensuring an 'analogue option' in society is a way to respect pluralism in how people choose to live – an idea consonant with democratic principles.

In summary, the right to self-determination in a human rights sense reinforces the arguments from privacy. It holds that individuals should have a say in how technology affects their lives. No one should be deprived of the ability to function in society simply because they refuse a certain technology; self-determination would deem that outcome as fundamentally at odds with the idea of personal freedom. The concept also addresses a potential counter-argument: what about the collective benefits of everyone being on-

line (e.g. efficiency or economic growth)? While legitimate public interests exist in the promotion of digital innovation, self-determination insists that individuals are not sacrificed to a one-size-fits-all mandate, and each person's capacity for choice must be respected. It is part of the pluralism of lifestyles that liberal societies cherish.

3. Freedom of expression and information rights

Freedom of expression under Article 10 ECHR (and Article 11 of the EU Charter) is traditionally understood as the right to impart and receive information and ideas without interference. At first glance, one might associate this right with a push for greater internet access, since the internet is a powerful medium for expression. Indeed, courts have recognized that unfettered access to online information is crucial for modern free speech. In 2009, for example, the French Constitutional Council struck down a law that would have allowed a person's internet access to be cut off without judicial oversight, and held that because the internet is essential for freedom of expression and communication, such a penalty affected fundamental rights (Decision of the French Constitutional Council, 2009). Likewise, in *Ahmet Yildirim v. Turkey* (2012), the ECtHR held that wholesale blocking of Google sites (which incidentally cut off the applicant's own website) violated Article 10, and emphasized the internet's role in facilitating expression and access to information.

However, freedom of expression also includes a negative dimension: the freedom not to speak or not to be compelled to express oneself. The ECtHR has implicitly recognized negative free speech rights in various contexts. For instance, in the context of freedom of association (Article 11), which is a sibling of expression, the Court explicitly recognized a 'negative right of association', i.e. the right not to be forced to join an association (Judgment of the ECtHR, 1993). By analogy, under Article 10, one could argue there is a 'negative freedom of expression', the right not to be compelled to communicate or to use a particular channel of communication.

Article 10 protects not only the content of information but also the means of its dissemination. The ECtHR has said that the public has the right to receive information through whatever medium they see fit, and states should not unjustifiably favour or impose one medium over another. In *Manole and Others v. Moldova* (2009), the Court noted the importance of pluralism in media and that state dominance or monopolization of a particular medium (like broadcasting) can violate Article 10. Extrapolating from this, if governments eliminate non-digital media (for example, shutting down print services or in-person forums in favour of only digital platforms), one could argue that they are limiting the pluralism of communication channels. The freedom to express oneself 'in the manner of one's choosing' is implicit in the broader freedom.

In *Kalda v. Estonia* (2016), the ECtHR held that even prison inmates have a right to access certain internet websites to exercise their freedom to receive information,

linking Article 10 with new media. Moreover, Article 10 encompasses the right to information, traditionally meaning the right to seek and receive information without interference. The question is: If a government makes information only available online, does that interfere with the right of those who are offline to receive it? The answer is potentially yes. If crucial information (say, polling station locations, public health notices, or legal regulations) is published exclusively on the internet, someone who is offline either by choice or lack of access is cut off from that information. While the state is not actively censoring, it is failing to accommodate different means of reaching the public. The broader principle of technological neutrality in freedom of expression suggests that individuals have the right to access information in a format they can use – which for some means non-digital formats. Thus a right to remain offline can be framed as an aspect of Article 10: the right to access information and to express oneself through non-digital means.

At the European level, Council of Europe bodies have started to acknowledge this balance. The Parliamentary Assembly of the Council of Europe's 2023 resolution on the digital divide (Resolution 2510) underlined that moving to fully online public services can jeopardize equal access to information and services. It called on states to ensure 'full accessibility', including by maintaining non-digital access to public services wherever necessary for equality. Although framed in terms of equality, this also ties into the populace's ability to receive information and communicate with authorities – a precondition for freedom of expression and democratic participation.

In conclusion, while freedom of expression is frequently invoked to justify the expansion of internet connectivity, it also implicitly protects against compelled connectivity. The negative dimension of free speech (the right not to speak) and the right to select one's medium of expression support recognition of a right to remain offline. States must therefore ensure that, in advancing digital innovation, they do not infringe Article 10 by coercing individuals into unwanted forms of communication or by eliminating non-digital channels of access to information.

4. Equality and non-discrimination

A critical human rights perspective on the right not to use the internet is provided by the principles of equality and non-discrimination. Digitalization has the potential to create new forms of exclusion, often along the lines of existing social cleavages such as age, disability, education, income, or geography. Article 14 ECHR guarantees that the enjoyment of the other Convention rights 'shall be secured without discrimination on any ground', while Article 21 of the EU Charter provides a broad stand-alone prohibition of discrimination (on grounds including sex, age, disability, religion, social origin, etc.) within the scope of EU law.

When governments or private actors move essential services exclusively online, they may discriminate against certain groups either directly or indirectly. Requiring internet use for accessing public services, for example, disproportionately affects older adults, who statistically have lower digital literacy, and persons with disabilities who may not be able to use standard web interfaces (Gallistl et al., 2021; Mikołajczyk, 2023; Mubarak & Suomi, 2022). It can also affect those in rural areas with poor connectivity or individuals who simply cannot afford devices or broadband. While ‘technology users’ versus ‘non-users’ is not itself a protected category, the overlap with protected characteristics is clear: the digitally excluded are often society’s already disadvantaged. The Council of Europe’s Parliamentary Assembly recognized in 2023 that ‘over 40% of Europe’s population lacks basic digital skills’ and that these ‘digitally vulnerable’ groups include the elderly, people with low literacy, migrants, and many persons with disabilities (Kuźelewska et al., 2025).

Disability rights law is particularly relevant. The EU is party to the United Nations Convention on the Rights of Persons with Disabilities, which mandates accessibility and reasonable accommodations. Under its Article 9, states must ensure equal access to information and services, including through the provision of assistive technologies or alternative formats. European courts have started to address these issues. The Conseil d’État (Supreme Administrative Court) of France in June 2022 ruled on a challenge to the Ministry of Interior’s decision to make certain immigration applications online-only. The Conseil d’État held that while no absolute constitutional right mandated paper procedures in general, the administration must ensure ‘normal access’ to public services and the effective exercise of rights by all users. This means providing support to those without digital tools or skills, and even alternative solutions for individuals who, ‘due to their circumstances and the design of the digital tool’, cannot use the online procedure. Because the government had not provided such support or alternatives at the time of implementation, the online-only requirement was deemed illegal.

In the European Union context, the European Commission’s 2024 ‘State of the digital decade’ report explicitly notes that ‘digital technologies increasingly permeate every aspect of people’s daily lives, sometimes with no or limited offline alternatives’, and it calls for actions to avoid marginalizing those who are not digitally active (European Commission, 2024). While this is policy, not law, it signals an expectation that Member States ensure digitalization leaves no one behind, which could influence how courts view Member State obligations under, for example, equality laws or the Charter’s solidarity provisions. The EU’s 2020–2030 Digital Compass strategy sets a target of 100% online public services by 2030, but civil society and EU institutions have noted the paradox: pushing 100% e-services while a significant portion of the population cannot use them is problematic. The solution envisioned includes both digital skills training (upskilling) and retention of multi-channel service delivery until no one is left behind. Moreover, the EU’s digital inclusion policies have started to use rights language (Kuźelewska et al., 2025).

For instance, Belgium's Wallonia region passed a decree in 2021 requiring that all administrative procedures must still be possible on paper if the user prefers – an explicit legal safeguard for the offline option (Kloza et al., 2025). Similarly, some Swiss cantons have amended their constitutions in 2023–2024 to guarantee a 'right to an offline life', meaning that the government can never make services 100% digital with no alternative. These regional developments, while not country-wide yet, signal a clear normative trend: digitalization should not result in discrimination or exclusion, and offline minorities must be protected (O'Sullivan, March 2025).

To summarize, equality and non-discrimination principles demand that digital innovation be inclusive. The right to remain offline can be framed as a facet of the right to equal treatment: those who do not or cannot use the internet should not suffer arbitrary detriment. States have a positive obligation to ensure that alternatives exist so that, for example, an elderly pensioner can still receive state communications and benefits without the internet, or a rural villager without broadband can access the same information as an urban e-citizen. In the human rights view, technology should be a tool for inclusion, not a basis for discrimination. Therefore any policy of 'digital only' must be scrutinized for its equality impacts and likely tempered by the provision of offline avenues to safeguard the rights of all.

5. Is there a human right to digital non-use?

The analysis above demonstrates that while existing human rights norms could provide significant support for the idea of a right to remain offline, they do so in a piecemeal and implicit fashion. Privacy, autonomy, expression, and equality each contribute pieces of a puzzle – but the question arises: Should these pieces be consolidated into a new explicit right (a right not to use the internet), or is it sufficient to rely on the interpretation of existing rights? This is both a legal-strategic question and a normative one.

Those sceptical of declaring new rights often point to the dangers of 'inflation' of rights. Creating a stand-alone 'right to offline life' could be seen as redundant if all its protections can be derived from rights like privacy and equality (De Hert & Kloza, 2012). Courts are capable of adapting old rights to new contexts; the ECHR's 'living instrument' doctrine means Articles 8 and 10 can evolve to address digital dilemmas. For example, the fact that freedom of expression now covers internet access shows this flexibility of interpretation. By this logic, one might argue that there is no need to formally enshrine a right not to use technology; judges and legislatures can ensure, through nuanced application of existing provisions, that people are not coerced into digital participation.

However, there are strong arguments on the other side – that explicitly recognizing a right to digital self-exclusion would have practical and symbolic benefits (Kloza et al., 2025). One practical benefit is clarity: it would set a clear baseline that no one

can be forced to be online against their will, guiding policy and preventing overreach. Symbolically, it would affirm that human agency and well-being are at the centre of the digital revolution, not technology for its own sake. As Alexander Barclay, a Swiss digital policy expert, noted, elevating such principles to the constitutional level can ‘spark a mentality shift’ and ensure they are taken seriously by all actors (O’Sullivan, April 2025). Some scholars (Faith & Hernandez, 2024; Kaun, 2021; Turkle, 2011) frame the right to be offline as a necessary counterbalance to the right to internet access, preventing a scenario where what was meant to empower individuals (connectivity) ends up enslaving or coercing them. Furthermore, as Rossi (2023) remarks, sometimes one might want to be offline without any particular reason – and that in itself is a valid exercise of freedom.

Potential objections to a broad right to offline life include concerns regarding practicality, scope, and misuse. Critics may argue that such a right could impede societal progress or governmental efficiency; for instance, if individuals were to invoke the right to rely exclusively on non-digital methods, modern systems might be paralyzed or incur substantial costs. Questions of scope also arise: Does the right permit refusal of any technology, such as electricity or essential ICT necessary for public safety? Additionally, there is the risk of misuse, for example by powerful actors such as corporations seeking to avoid transparency by going ‘offline’. However, these concerns can be addressed through a nuanced understanding of the right. It would likely be waivable and context-dependent, designed not to hinder digital innovation but to ensure that alternatives or exemptions are available where fairness and human dignity require them. The right could be framed with reasonable limits, such that individuals could not refuse technologies in ways that harm others. Importantly, it is primarily a defensive right of the individual rather than a tool for corporate actors, who are subject to separate obligations.

In practice, implementing a right to offline life would mean building choice into the system. For government services, it would mean always providing an alternative mode (in person, by phone, or on paper) for those who opt out of digital channels – as advocated by the ‘click–call–connect’ principle, wherein citizens can choose between online, phone, or face-to-face access (Right to Offline Coalition, 2024). For the private sector, it means ensuring key services (banking, healthcare, utilities) offer non-digital access without extra fees or delay (and possibly regulating to enforce this). For employment, it means strengthening the right to disconnect and perhaps allowing employees to request non-digital workflows if feasible. None of this means halting digital advancements; it means human-centric design that preserves individual choice. In the meantime, developing the academic and doctrinal foundation remains crucial. This article, along with others of its kind, seeks to contribute by weaving disparate threads into a coherent narrative: that the right (not) to use the internet fundamentally concerns the preservation of human choice, dignity, and equality in the digital age.

In closing this discussion on the feasibility of recognizing the right not to use the internet as a distinct human right, it must be acknowledged that at present, such a development is unrealistic, even though the catalogue of human rights remains open. Considering that human rights are characterized by universality, inalienability, and indivisibility, there is currently no basis for establishing a separate human right specifically guaranteeing the right to remain offline. First, such a right can be derived from existing declarations and conventions, making the creation of an additional right unnecessary. Second, there are significant regions of the world where internet access remains limited (World Bank Group, June 2023). For example, according to statistics, only 39% of the population in Africa has internet access (Międzynarodowy Związek Telekomunikacyjny, 2024). Similarly, a joint report by the Inter-American Institute for Cooperation on Agriculture, the Inter-American Development Bank, and Microsoft (IDB, 2020) indicates that 32% of the population in Latin America and the Caribbean lacks internet access. The right not to use the internet, therefore, does not have a universal character but is rather regionally contingent. In Europe, where internet penetration is higher, it may be conceivable to consider introducing a new human right, the right to remain offline. For this reason, however, it is currently not feasible to establish a separate human right specifically guaranteeing the right not to use the internet. Nevertheless, existing human rights provisions appear sufficient to support the exercise of rights associated with remaining offline.

Conclusion

The exploration of privacy, self-determination, freedom of expression, and equality within international and European human rights law reveals a robust foundation for what may be termed a right to digital non-use – the right to remain offline. While no single treaty explicitly states that ‘everyone has the right not to use the internet’, the current combination of rights and case law effectively recognizes that individuals cannot be compelled to digitalize their lives at the expense of fundamental rights. The right to privacy anchors this understanding by safeguarding personal autonomy, identity, and the intimate sphere of life from unwanted intrusion, which in the contemporary context includes the choice to limit one’s exposure to the digital world. The right to self-determination further enshrines personal autonomy, reinforcing that individuals should chart their own course with respect to technology, consistent with their values and needs, without state or societal coercion. Freedom of expression adds a negative dimension, the liberty not to be compelled to communicate in ways one does not choose, and underscores the necessity of pluralistic communicative channels so that offline voices are not silenced. Finally, the rights to equality and non-discrimination ensure that technological advancement does not in-

fringe upon the rights of vulnerable groups, necessitating inclusive design and offline alternatives to prevent the emergence of a digital underclass.

Therefore the research question addressed in this article can be answered affirmatively: based on current human rights regulations and case law, individuals possess a human right to digital non-use. Similarly, the question of whether human rights law protects individuals' freedom to live an analogue existence, and whether such a lifestyle is feasible in the modern world, has also been answered positively. Human rights law does protect the freedom to live offline; however, a separate issue remains as to whether this lifestyle is fully achievable in all its aspects.

In conclusion, digital choice – the freedom to say 'no' as well as 'yes' to connectivity – is emerging as a crucial dimension of human rights in the 21st century. The right not to use the internet does not entail rejecting progress; rather, it ensures that progress is measured in human terms. It asserts that, in the pursuit of a digital society, we must preserve the analogue freedoms that make us human: the freedom to be left alone, to think and live at one's own pace, and not to be involuntarily conscripted into technologies one does not wish to embrace. As this right becomes more firmly established, it will play a vital role in ensuring that the Information Age remains an era of human empowerment rather than digital compulsion.

REFERENCES

- Council of Europe Parliamentary Assembly. (2023). *Resolution 2510. Closing the digital divide: Promoting equal access to digital technologies*. <https://pace.coe.int/en/files/33001/html>
- Custers, B. (2019). Nieuwe digitale (grond)rechten. *Nederlands Juristenblad*, 44, 3288–3295. <https://doi.org/10.2139/ssrn.4014541>
- Decision of the Constitutional Council of France of 10 June 2009, case no. 2009–580 DC.
- Decision of the Supreme Administrative Court of France of 3 June 2022, case no. 452798.
- De Hert, P., & Kloza, D. (2012). Internet (access) as a new fundamental right: Inflating the current rights framework? *European Journal of Law and Technology*, 3(3). <https://ejlt.org/index.php/ejlt/article/view/123>
- European Commission. (2024). *State of the digital decade 2024 (Report to the European Parliament and Council)*. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=COM:2024:260:FIN>
- Faith, B., & Hernandez, K. (2024). Smartphone – and tablet-reliant internet users: Affordances and digital exclusion. *Media and Communication*, 12. <https://doi.org/10.17645/mac.8173>
- Frosini, T. E. (2014). The internet access as a fundamental right. *Studia Prawnicze*, 1(14), 5–12.
- Gallistl, V., Rohner, R., Hengl, L., & Kolland, F. (2021). Doing digital exclusion: Technology practices of older internet non-users. *Journal of Aging Studies*, 59, 1–8.
- Inter-American Development Bank. (2020, 29 October). *At least 77 million rural inhabitants have no access to high-quality internet services*. <https://www.iadb.org/en/news/least-77-million-rural-inhabitants-have-no-access-high-quality-internet-services>

- International IDEA. (2023). *Rights in the digital age*. International Institute for Democracy and Electoral Assistance. <https://www.idea.int/publications/catalogue/html/rights-digital-age>
- Judgment of the European Court of Human Rights of 30 June 1993 on the case of *James v. United Kingdom*, application no. 8793/79.
- Judgment of the European Court of Human Rights of 30 June 1993 on the case of *Sigurður A. Sigurjónsson v. Iceland*, application no. 16130/90.
- Judgment of the European Court of Human Rights of 29 April 2002 on the case of *Pretty v. United Kingdom*, application no. 2346/02.
- Judgment of the European Court of Human Rights of 4 December 2008 on the case of *S. and Marper v. United Kingdom*, application nos. 30562/04 & 30566/04.
- Judgment of the European Court of Human Rights of 17 September 2009 on the case of *Manole and Others v. Moldova*, application no. 13936/02.
- Judgment of the European Court of Human Rights of 18 December 2012 on the case of *Ahmet Yıldırım v. Turkey*, application no. 3111/10.
- Judgment of the European Court of Human Rights of 19 January 2016 on the case of *Kalda v. Estonia*, application no. 17429/10.
- Judgment of the European Court of Human Rights of 24 September 2019 on the case of *Vučina v. Croatia*, application no. 58955/13.
- Karaboga, M., Matzner, T., Obersteller, H., & Ochs, C. (2017). Is there a right to offline alternatives in a digital world? In: Leenes, R., van Brakel, R., Gutwirth, S., De Hert, P. (eds) *Data Protection and Privacy: (In)visibilities and Infrastructures. Law, Governance and Technology Series*, vol 36. Springer, Cham. https://doi.org/10.1007/978-3-319-50796-5_2, pp. 31–50).
- Kaun, A. (2021). Ways of seeing digital disconnection: A negative sociology of digital culture. *Convergence: The International Journal of Research into New Media Technologies*, 27(6), 1571–1583. <https://doi.org/10.1177/13548565211045535>
- Kaur, H. (2021). Protecting internet access: A human rights treaty approach. *Brooklyn Journal of International Law*, 46(2), 767–806.
- Kloza, D. (2024). The right not to use the internet. *Computer Law & Security Review*, 52, 105907. <https://doi.org/10.1016/j.clsr.2023.105907>.
- Kloza, D., Kuźlewska, E., Lievens, E., & Verdoodt, V. (Eds.). (2025). *The right not to use the internet: Concept, Contexts, Consequences*. Routledge.
- Koops, B.-J., Newell, B. C., Timan, T., Škorvánek, I., Chokrevski, T., & Galič, M. (2017). A typology of privacy. *University of Pennsylvania Journal of International Law*, 38(2), 483–575.
- Kuźlewska, E., Tomaszuk, M., & Malinowski, D. (2025). The elderly digital divide: Digital exclusion versus the right not to use the internet. *International Journal for Semiotics of Law*. <https://doi.org/10.1007/s11196-025-10334-4>
- Lucchi, N. (2013). *The role of internet access in enabling individual's rights and freedoms*. European University Institute – RSCAS working paper, 47, 1–22.
- Międzynarodowy Związek Telekomunikacyjny. (2024, 10 November). *Fakty i liczby 2024 – Użycie internetu*. <https://www.itu.int/itu-d/reports/statistics/2024/11/10/ff24-internet-use/>

- Mikołajczyk, B. (2023). Universal human rights instruments and digital literacy of older persons. *The International Journal of Human Rights*, 27(3), 403–424.
- Miranda Boto, J. M., & Brameshuber, E. (2024). The digitalisation of tools for workers' representation in Europe and Spain: A first approach. *Białostockie Studia Prawnicze*, 29(2), 209–222.
- Mubarak, F., & Suomi, R. (2022). Elderly forgotten? Digital exclusion in the information age and the rising grey digital divide. *The Journal of Health Care Organization, Provision, and Financing*, 59, 1–7.
- O'Sullivan, D. (2025, 23 March). 'It's political': Why some people refuse to have a smart-phone. SwissInfo. <https://www.swissinfo.ch/eng/digital-democracy/its-political-why-some-people-refuse-to-have-a-smartphone/89012366>
- O'Sullivan, D. (2025, 3 April). How Swiss federalism is helping the rise of a new digital right. SwissInfo. <https://www.swissinfo.ch/eng/digital-democracy/how-swiss-federalism-is-helping-the-rise-of-a-new-digital-right/89023201>
- Passaglia, P. (2022). Behind the curtain: Questioning the right to access the internet. In search of definitions (and conditions). *Völkerrechtsblog*. <https://doi.org/10.17176/20221017-110251-0>
- Passaglia, P. (2025). An attempt to conceptualise the right to access the internet and its impact on the right not to use it. In D. Kloza, E. Kuźelewska, E. Lievens, & V. Verdoodt (Eds.), *The right not to use the internet: Concept, Contexts, Consequences* (pp. 29–43). Routledge.
- Pollicino, O. (2020). The right to internet access: Quid Iuris? In von Arnould A., von der Decken K., Susi M. (Eds.), *The Cambridge handbook of new human rights* (pp. 263–275). Cambridge University Press. <https://doi.org/10.1017/9781108676106.021>
- Reglitz, M. (2020). The human right to free internet access. *Journal of Applied Philosophy*, 37(2), 314–331. <https://doi.org/10.1111/japp.12395>
- Reglitz, M. (2023). The socio-economic argument for the human right to internet access. *Politics, Philosophy & Economics*, 22(4), 441–469. <https://doi.org/10.1177/1470594X231167597>
- Reglitz, M. (2024). *Free internet access as a human right*. Cambridge University Press.
- Right to Offline Coalition. (2024). *Essential services must be accessible, even offline: The open letter*. <https://righttooffline.eu/?lang=en>
- Rossi, J. (2025). Is there a right to be offline “for no reason” in France?. In D. Kloza, E. Kuźelewska, E. Lievens, & V. Verdoodt (Eds.), *The right not to use the internet: Concept, Contexts, Consequences* (pp. 76–91). Routledge.
- Shandler, R., & Canetti, D. (2019). A reality of vulnerability and dependence: Internet access as a human right. *Israel Law Review*, 52(1), 77–98. <https://doi.org/10.1017/S0021223718000262>
- Susi, M. (2025). Framing the right not to use the internet. In D. Kloza, E. Kuźelewska, E. Lievens, & V. Verdoodt (Eds.), *The right not to use the internet: Concept, Contexts, Consequences* (pp. 44–63). Routledge.
- Terzis, G. (2025). Ethical meditations for a human right to an analogue life. In D. Kloza, E. Kuźelewska, E. Lievens, & V. Verdoodt (Eds.), *The right not to use the internet: Concept, Contexts, Consequences* (pp. 7–28). Routledge.
- Tomalty, J. (2017). Is there a human right to internet access? *Philosophy Now*, 118, 8–11. https://philosophynow.org/issues/118/Is_There_A_Human_Right_To_Internet_Access

- Turkle, S. (2011). *Alone together: Why we expect more from technology and less from each other*. Basic Books.
- Warren, S., & Brandeis, L. (1890). The right to privacy. *Harvard Law Review*, 4(5), 193–220.
- Whitman, J. Q. (2004). The two western cultures of privacy: Dignity versus liberty. *Yale Law Journal*, 113(6), 1151–1221.
- Wiśniewski, A. (2021). The European Court of Human Rights and internet-related cases. *Białostockie Studia Prawnicze*, 26(3), 109–133.
- World Bank Group. (2023, 27 June). *From connectivity to services: Digital transformation in Africa*. <https://www.worldbank.org/en/results/2023/06/27/from-connectivity-to-services-digital-transformation-in-africa>