Bialystok Legal Studies
Białostockie Studia Prawnicze
2026 vol. 31 no. 1

sciendo

DOI: 10.15290/bsp.2026.31.01.04

Received: 02.12.2025
Accepted: 05.03.2026

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Digital Citizenship and the Right Not to Use the Internet: The European Approach[1]

1 Funded by the National Science Centre, Poland, under the OPUS call in the Weave programme (UMO-2023/51/I/HS5/01417), and the Flemish Research Foundation (FWO Funding Agreement G000325N). The article is also financially supported by the Polish Minister of Science under the 'Regional Initiative of Excellence' (RID) programme. This research was co-financed by the Slovenian Research and Innovation Agency as part of the research project V5-2383 'Theoretical and Practical Aspects of the Modernisation of Administrative Procedure in Slovenia'.

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Abstract: The growing importance of the concept of digital citizenship reflects the integration of online participation, rights, and responsibilities into everyday life. European policies and initiatives increasingly emphasise digital inclusion, universal access, and the promotion of digital literacy as prerequisites for active citizenship in the digital era. At the same time, the question arises of whether individuals should also be entitled to a right *not* to use the internet without facing social, economic, or political exclusion. This article explores the European approach to digital citizenship in the context of this emerging right, highlighting tensions between policies aimed at inclusion and the freedom of individual choice. It analyses how to reconcile the promotion of digital participation with respect for the autonomy of individuals who choose to remain offline. It also argues that recognising the right not to use the internet is crucial for protecting personal freedoms and preventing forced digital dependency, while inclusive strategies should ensure that non-users are not marginalised in exercising their civic rights.

Keywords: digital citizenship, digital inclusion, right not to use the internet, civic rights, personal freedoms

Introduction

The 20th century brought with it the development of new technologies and the beginning of the digitisation of the modern world, including many aspects of social life. The 21st century, on the other hand, has seen even greater and more rapid technological development and digitisation entering virtually every aspect of human life. Nowadays, functioning without access to the internet and a smartphone in your pocket is significantly difficult, and at times downright impossible.

Technological development currently affects virtually every sphere of life – democracy, education, public services, and business – and it does not seem that this trend can be reversed. As a result, the concept of digital citizenship has emerged in the public sphere as a set of rights, obligations, competences, and civic participation that exists in or is related to the digital world. At the same time, digital citizenship has also given rise to the concept of the right not to use the internet (the right to be offline) as a privilege or right of the individual, and is sometimes understood as a new human right.

This article explores whether individuals should have the right to refrain from using the internet without facing social, economic, or political exclusion, particularly within the framework of digital citizenship. It examines the European approach to digital citizenship in the context of this emerging 'right to be offline', highlighting the tensions between policies promoting integration and the freedom of individual choice. The analysis focuses on how to encourage digital participation while respecting the autonomy of those who opt out of online activities. The article argues that recognising the right not to use the internet is essential for protecting personal freedoms and preventing forced digital dependency. At the same time, integration strategies should ensure that non-users are not marginalised in exercising their civil rights. Ultimately, it posits that digital citizenship and the right to remain offline are complementary: digital citizenship is incomplete if it does not acknowledge individuals' choice not to engage online.

The article examines the evolving concepts of digital citizenship and the emerging right to be offline within the European Union, addressing a central question: can these two seemingly opposing ideas be reconciled? The first part analyses the theoretical foundations of digital participation and individual autonomy, while the second part considers how these concepts have been implemented in European legal frameworks. Subsequent sections explore the rationale for the right not to use the internet and its place within established human rights, as well as the potential tensions or complementarities between active digital engagement and the choice to remain offline. The final section discusses policy implications, focusing on how digital inclusion can be balanced with individual freedom of choice.

The article is guided by the hypothesis that digital citizenship and the right to be offline are not necessarily contradictory and can coexist, allowing individuals to engage meaningfully in the digital sphere while retaining autonomy over their online presence. To verify this hypothesis, the study employs a dogmatic research method, drawing on European legal solutions in the field of digitalisation.

1. The conceptual framework: Digital citizenship and autonomy

When discussing the topic of digital citizenship, it is necessary to start with an understanding of the traditional concept of 'citizenship', which has been present in politics and society since ancient times. According to its etymology, the word 'citizen' comes from the word *civita*, which means 'city' in Latin. This in turn is related to the Greek word *politikós*, meaning 'a person living in a city'. In ancient Greece, the concept of citizenship was understood as the right of Greek individuals to participate in decision-making concerning the city's goals through the *ekklesia*, a practice introduced in the agora (a Greek public square used for agreeing on decisions). Greek democracy, which represented only a few people whose decisions determined the fate of the entire city (slaves, women, and craftsmen were excluded from citizenship), derives from this practice (de Moraes & de Andrade, 2015, p. 7). In modern democracy, the concept of citizenship refers to the exercise of civil, political, and social rights and duties established in fundamental state documents, in which rights and duties are interlinked to ensure the functioning of a democratic society. In this way, the interconnection of these rights and duties makes citizenship to some extent inextricably linked to the place where a person exercises them. On the one hand, being a citizen means a guarantee of all civil, political, and social rights, thus ensuring the possibility of a full life. On the other, citizens understand that these rights are not simply granted but are required, integrated, and then accepted by the law, the authorities, and the local community as a whole (de Moraes & de Andrade, 2015, p. 8).

In view of this, citizenship is seen as a relationship between people and the nation state. It is based on the concept of 'civic duty', according to which citizens are

informed about public affairs through the media and are obliged to participate in electoral processes (Bennett, 2007). Individual interests are expressed through membership of political parties and interest groups. This traditional approach to citizenship has been criticised by feminists and diversity advocates for its narrow approach to identity, expression, and participation (Vromen, 2017). Recently, new norms of citizenship have emerged based on what Vromen (2017, p. 27) calls a 'personalised politics of life', in which democratic participation is as much about electoral processes. Citizens are mobilised by specific social movements and issues, often of a global nature (e.g. climate change).

Just as citizenship itself does not have a single definition, the concept of digital citizenship is understood differently by researchers. On the one hand, it means the ability to use technology competently; interpreting and understanding digital content and assessing its credibility; creating, searching for, and communicating with appropriate tools; critical thinking about the ethical possibilities and challenges of the digital world; and making safe, responsible, and respectful choices on the internet (Isman & Güngören, 2014, p. 73). On the other hand, digital citizenship is defined as 'the right to participate in online social life' (Mossberger et al., 2007, p. 1). Early approaches to digital citizenship focused primarily on bridging the digital divide: issues of access, integration, and communication rights and freedoms were prioritised (Shelley et al., 2004; Thrane et al., 2004). However, with the proliferation of social media platforms, the issue of access has become less important, as Facebook and X, formerly Twitter have become tools for civic participation. In the digital context, citizenship is almost a given, but it involves a series of tasks or activities (decoding messages or creating a digital identity) – it is through digital activities that digital citizens are created (Isin & Ruppert, 2015).

Thus the concept of digital citizenship has evolved from one of the first definitions of it, formulated by Ribble and Bailey (2007), which focused on technological aspects and digital competences, to the definition proposed by Emejulu and McGregor (2019), which emphasises a commitment to social justice and emancipatory and alternative technologies, as well as Robles' (2009) definition, which states that a digital citizen is a natural person, whether or not a citizen of another community or state, who exercises all or part of their political or social rights via the internet, independently or through membership of a virtual community. In the same vein, Pangrazio and Sefton-Green (2021) point out that early concepts of digital citizenship concerned the right of individuals to access and participate in the internet to bridge the digital divide. Today, the relationship between citizenship and the digital world has become much more complex in the context of collective identity and social networks offering vast opportunities.

Digital citizenship goes beyond civic duties or individual responsibility; it is primarily about how digital technologies create new avenues for participation. While these technologies open up diverse online communities, engagement remains chal-

lenging for marginalised individuals who have limited or no internet access or lack digital skills (Jenkins & Carpentier, 2013). Nevertheless, digital platforms can enable meaningful forms of civic participation that have a real impact on democratic processes. A useful reference point is the definition provided by the Council of Europe (n.d.), which describes digital citizenship as the ability to participate actively, continuously, and responsibly in both online and offline communities through competent and positive use of digital technologies, whether by creating, collaborating, sharing, socialising, exploring, playing, communicating, or learning.

In essence, digital citizenship combines two dimensions. First, it involves the competences necessary for using digital technologies effectively, including learning and teaching within this framework. Second, it encompasses political and social participation at local and national levels through digital tools and social networks. This article focuses on the latter dimension, examining digital citizenship in the context of social and political engagement.

Closely related to digital citizenship is the concept of digital coercion, situations in which individuals are compelled to use digital services to perform certain tasks or participate in social and political life, regardless of their willingness or ability to do so. Digital coercion stands in clear opposition to the idea of choosing not to use digital services (Rutkowska-Tomaszewska & Gałązka, 2024). Moreover, emerging technologies, especially those based on artificial intelligence, are increasingly shaping social norms. Alongside law, these norms play a key role in structuring the social reality around us (Nieborak, 2025).

2. The European approach to digital citizenship

As this article's scope covers the issue of digital citizenship and the right to be offline in a European context, it is necessary to present this approach with particular emphasis on documents and projects prepared within the European Union. The European Commission has set several targets for Member States to achieve by 2030 in the context of digital transformation, i.e. by the end of the current decade (referred to as the Digital Decade). To this end, a specific plan has been formulated, referred to as the Path to the Digital Decade, which establishes a governance framework based on an annual cooperation mechanism with Member States to achieve the Digital Decade objectives at EU level in the areas of digital skills, digital infrastructure, and the digitisation of businesses and public services. It also aims to identify and implement large-scale digital projects involving the European Commission and Member States (European Commission, 2021a).

The entire programme is based on the so-called Digital Compass, i.e. the objectives to be achieved by the European Union and its Member States by 2030 in areas related to digitalisation. This direction was chosen mainly due to experiences related

to the COVID-19 pandemic that began in 2020, which showed that digitalisation can bring people together regardless of where they are physically located and can become a decisive factor in promoting rights and freedoms, enabling people to transcend specific territories, social positions, or social groups, and opening up new opportunities for learning, playing, working, exploring, and pursuing their ambitions. On the other hand, the crisis caused by the pandemic also revealed the weaknesses of the digital space; in particular, its increased reliance on key technologies, often originating outside the EU, highlighted its dependence on a few large technology companies, caused an influx of counterfeit products and cybertheft, and exacerbated the impact of disinformation on democratic societies (European Commission, 2021b).

In view of the above, the European Union has set four main guidelines for actions related to achieving the objectives of the Digital Decade (European Commission, 2021a): a digitally skilled society and highly qualified digital professionals;[2] secure, efficient, and sustainable digital infrastructures;[3] the digital transformation of businesses;[4] and the digitisation of public services.[5] Finally, achieving these objectives is not possible without implementing the concept of digital citizenship within the European Union, which has also been noted in programme and policy documents prepared by the European Commission.[6] The mere implementation of digital infrastructure, skills, and capabilities, and the digitisation of enterprises and public services are not sufficient to define the EU's approach to its digital future; it is also necessary to enable all Europeans to take full advantage of digital opportunities and technologies. However, as the European Commission itself points out, it is essential to ensure that the same rights that apply in the real world can be fully exercised in the virtual world (European Commission, 2021c). This means that digital citizenship cannot in any way affect the rights arising from traditional (offline) citizenship. It is worth noting that the full implementation of digital citizenship is also circumscribed by citizens' limited trust in new technologies, including on the part of public admin-

2 By 2030, at least 80% of all adults should have basic digital skills, and the EU should have 20 million ICT professionals, with more women taking up such jobs.

3 By 2030, all households in the EU should have access to gigabit connections, and all populated areas should be covered by 5G networks; the production of state-of-the-art and sustainable semiconductors in Europe should account for 20% of global production; 10,000 climate-neutral, highly secure edge nodes should be deployed in the EU; and Europe should have its first quantum computer.

4 By 2030, three-quarters of enterprises should be using cloud services, big data, and artificial intelligence; over 90% of SMEs should have at least a basic level of digital intensity; and the number of start-ups in the EU should double.

5 By 2030, all key public services should be available online; all citizens will have access to their electronic medical records, and 80% of citizens should use eID solutions.

6 The concept of digital citizenship remains closely linked to the development of e-governance (electronic public administration), which is also a key initiative of the European Commission (Nowina-Konopka, 2017).

istration officials, as well as by a shortage of IT specialists who create and implement new digital solutions in public services and support the resolution of problems related to them (Chen & Gant, 2001).

The European Commission explicitly points to the need to first and foremost safeguard the rights enshrined in the Treaty on European Union and the Treaty on the Functioning of the European Union, which contain the fundamental rights that cannot be infringed upon in any way, regardless of the purpose. Therefore the first step towards ensuring full digital citizenship is for all EU citizens to have access to the internet and the opportunity to acquire the digital skills necessary to exercise their rights under digital citizenship (European Commission, 2021c).

3. The conceptual foundations of the right not to use the internet and its role in digital citizenship

Digital technologies have become almost indispensable in contemporary life. Governments, businesses, and social services increasingly operate according to a 'digital by default' paradigm, presuming that all citizens are connected to the internet. At the same time, while efforts to promote internet access as a human right have gained momentum (De Hert & Kloza, 2012; Kaur, 2021; Lucchi, 2013; Passaglia, 2022; Pollicino, 2020; Tomalty, 2017), the other side of the coin – the right to remain offline – has only recently emerged as a subject in sustained legal and academic debate (Custers, 2019; Kloza, 2024).

The decision to live offline – for example, preferring face-to-face interaction, analogue media, and paper correspondence – may be understood as an expression of personal autonomy in shaping one's identity and social relations. Importantly, the right to privacy encompasses a 'negative' dimension: the right to be left alone, famously formulated by Warren and Brandeis (Warren & Brandeis, 1890, p. 193). as the essence of privacy. In contemporary conditions, this principle translates into the right to opt out of digital surveillance and data collection. Scholars have argued that in a world of automated data processing, remaining offline constitutes the most authentic form of exercising privacy in the context of data protection, functioning as a default setting from which any deviation requires justification (Karaboga et al., 2017, p. 43).

When public authorities or private actors move essential services exclusively online, this may result in both direct and indirect discrimination. A requirement to use the internet to access public services disproportionately affects older people, who statistically possess lower levels of digital literacy (Kużelewska et al., 2025a), as well as persons with disabilities, individuals living in rural areas with limited connectivity, and those unable to afford devices or broadband access. Although technology users or non-users do not in themselves constitute a legally protected category, there is a clear intersection with protected characteristics, since those who are digi-

tally excluded are often already socially disadvantaged. The Parliamentary Assembly of the Council of Europe recognised in 2023 that more than 40% of Europe's population lacks basic digital skills, identifying older persons, individuals with low literacy, migrants, and many persons with disabilities as 'digitally vulnerable' groups (Kużelewska et al., 2025b).

The EU's Digital Compass 2020–2030 strategy sets a target of 100% online public services by 2030. However, civil society organisations and EU institutions have pointed out a paradox: promoting fully digital public services while a significant part of the population remains unable to use them risks deepening exclusion. The proposed response combines digital skills development with the continued provision of multi-channel service delivery until full inclusion is achieved. At the same time, the language of rights is increasingly present in EU digital inclusion policy (Kużelewska et al., 2025b).

Concrete legal safeguards for offline access are already emerging. In 2021, the Walloon region of Belgium adopted a decree requiring administrative procedures to remain available in paper form at the user's request, thereby explicitly safeguarding the offline option (Kloza et al., 2025). Similarly, some Swiss cantons amended their constitutions in 2023–2024 to guarantee the 'right to live offline', ensuring that governments cannot introduce fully digital services without maintaining alternatives. Although these reforms are not yet universal, they clearly signal a broader normative shift: digitalisation must not produce discrimination or exclusion, and offline minorities require protection (SwissInfo, 2025a).

The right to remain offline can be framed as an aspect of the right to equal treatment: individuals who do not or cannot use the internet should not suffer arbitrary disadvantage. States have a positive obligation to provide alternative means of access to services and information, for example enabling an elderly pensioner to receive benefits without using digital platforms, or ensuring that rural residents without broadband access enjoy the same level of access as urban populations. From a human rights perspective, technology should be a tool for inclusion, rather than a basis for exclusion. Therefore any 'digital-only' policy must be analysed for its impact on equality and, where necessary, accompanied by offline alternatives to safeguard fundamental rights.

Explicit recognition of the right to digital exclusion would bring both practical and symbolic benefits (Kloza et al., 2025). Practically, it would establish a clear normative standard that individuals cannot be compelled to use digital technologies against their will, which would provide guidance for policymakers and prevent abuses. Symbolically, it would reaffirm that human autonomy and well-being, rather than technological efficiency, remain central to the digital transformation. As the Swiss digital-policy expert Barclay has observed, elevating such principles to constitutional status could 'bring about a change in mentality' and ensure that they are taken seriously by all actors (SwissInfo, 2025b). Some scholars further interpret

the right to be offline as a necessary counterbalance to the right to access the internet, preventing a situation where what was supposed to empower individuals (connectivity) ultimately enslaves or coerces them. Furthermore, as Rossi (2025) notes, sometimes one may wish to be offline for no particular reason – and this in itself is a legitimate exercise of freedom.

Critics of a broad right to live offline raise several concerns: (1) Practicality – could such a right hinder social progress or the effectiveness of government? Some fear that if everyone demanded the right to conduct all business on paper, it could paralyse modern systems or expose them to enormous costs. (2) Scope – would this mean that the use of all technology could be refused (what about electricity or basic information and communication technologies necessary for public safety)? (3) Potential abuse – could powerful entities (e.g. corporations) abuse this right to avoid transparency by going 'offline'? These objections can, however, be addressed through a nuanced, context-sensitive design of the right. The right to remain offline would be waivable, limited, and proportionate; it would not obstruct innovation but would require alternative solutions where justice and human dignity demand them. Importantly, it would operate primarily as a defensive right protecting individuals, rather than as a tool available to corporate actors.

In practice, implementing the right to live offline would require building a choice into the system. For government services, this means always providing an alternative mode (in person, by telephone, or on paper) for people who opt out of digital channels, in line with the 'click–call–connect' principle, whereby citizens can choose between online, telephone, or in-person access (Right to Offline Coalition, 2024). For the private sector, this would mean ensuring that essential services (banking, healthcare, utilities) offer non-digital access without additional fees or delays (and possibly introducing regulations to enforce this requirement). For employment, it would mean strengthening the right to disconnect and possibly allowing employees to request non-digital work processes where feasible. This does not mean halting digital progress: it means human-centred design that preserves individual choice.

Although no provision of international law states that 'everyone has the right not to use the internet', the current combination of laws and case law effectively recognises that people cannot be forced to digitise their lives at the expense of their fundamental rights. The right to privacy underpins this understanding, protecting personal autonomy, identity, and the intimate sphere of life from unwanted interference, which in today's context includes the choice to limit one's exposure to the digital world. The right to self-determination further reinforces personal autonomy, affirming that each person should chart their own path in relation to technology, in accordance with their values and needs, without coercion from the state or society. Freedom of expression adds a negative dimension – the freedom not to be forced to communicate in a way one does not choose – and emphasises the need for pluralism in communication channels so that offline voices are not silenced. The rights to

equality and non-discrimination ensure that technological progress does not infringe on the rights of vulnerable groups, requiring inclusive design and offline alternatives to avoid the creation of a digital underclass (Kużelewska et al., 2025a).

Against this background, it follows that digital citizenship, rooted primarily in the rights to privacy, self-determination, and freedom of expression, cannot extend beyond the scope of protection afforded by those foundational rights and freedoms. Although these rights were historically conceived to enable individuals to exercise their freedoms, chiefly by shielding them from undue state interference, contemporary legal interpretation increasingly recognises that their effective protection cannot be confined to this 'positive' dimension alone. Rather, it must also encompass the 'negative' dimension, that is, the freedom not to act, not to participate, or not to engage with a given medium or technology.

As Passaglia (2025, p. 32) observes, the jurisprudence of numerous constitutional and supreme courts confirms that fundamental rights protect both the capacity to exercise a right and the freedom to refrain from exercising it. Thus freedom of expression includes not only the right to speak but also the right to remain silent; freedom of religion entails not only the right to worship but also the right not to adhere to any faith. By analogy, if access to the internet is recognised as a right enabling individuals to participate fully in social, political, and economic life, then the decision not to access the internet must equally fall within the protected sphere of individual freedom. The fact that digital citizenship also entails positive obligations on the state to ensure access to digital infrastructure does not undermine this conclusion. On the contrary, it illustrates the hybrid nature of digital citizenship as both a social entitlement and a liberty right – one that simultaneously guarantees access to digital tools and preserves the individual's freedom to refuse them.

At the same time, as with all fundamental rights, the right (not) to use the internet is not absolute and may be subject to proportionate limitations (Jóźwicki & Szoszkiewicz, 2025, p. 108). As Kużelewska, Malinowski, and Tomaszuk (2025, p. 60) emphasise, the right to privacy under Article 8 of the European Convention on Human Rights (ECHR) is a qualified right. The case law of the European Court of Human Rights establishes that only interferences reaching a certain minimum level of seriousness engage Article 8; minor inconveniences or trivial burdens do not suffice (Judgment of the European Court of Human Rights, 2019). Where such interference is established, the proportionality test under Article 8(2) requires balancing the individual's interest in maintaining offline autonomy against legitimate public interests, such as administrative efficiency, public safety, or the prevention of fraud. In this context, courts will examine whether less intrusive measures, such as maintaining offline channels of access or providing assistance to digitally excluded individuals, could achieve the same objectives without undermining personal autonomy (Rossi, 2025).

Finally, it must be acknowledged that in exceptional circumstances, such as public health emergencies exemplified by the COVID-19 pandemic, digital tools may

temporarily become the only effective means through which certain rights can be exercised, including the rights to health, education, and freedom of assembly, while also ensuring continuity in the provision of public services and the functioning of social life (Passaglia, 2025, p. 34). Even in such contexts, however, the underlying normative principle remains unchanged: digitalisation must serve the individual, not constrain them, and any limitations on the right to remain offline must remain necessary, proportionate, and strictly justified.

4. Digital citizenship and non-users: Contradiction or complementarity?

4.1. The false dichotomy between participation and non-participation

Much of the discussion on digital citizenship focuses on ways to empower the widest possible number of people to participate actively in the digital age. This question is often examined in the context of the so-called digital divide, which separates those who possess the capabilities required to be active citizens on the internet from those who lack these capabilities (Ożóg & Puchta, 2025a, p. 13). To address the digital divide, western countries and the European Union have employed numerous measures whose scope and objectives have changed over time (Yao & Quinn, 2025, p. 2). In the early 1990s, these measures focused on providing access to information and communication technologies; however, with the expansion of internet connectivity and the consequent reduction of barriers to physical access, access itself became less problematic. Attention therefore shifted to enabling internet users to acquire adequate skills for meaningful engagement online. This led to the emergence of the concept of the second-level digital divide, defined not as a divide between those who have access and those who do not, but between those who can use the internet meaningfully and those who lack the necessary skills to do so. Lastly, efforts to reduce the digital divide focused on inequalities in the benefits derived from the internet, as such benefits are fully accessible only to internet users who are properly motivated (socially, politically, and psychologically) and who also possess the skills required to access them.

The need to combat the digital divide is inseparable from the concept of digital citizenship, which can also be understood as 'the right to participate in society online' (Pangrazio & Sefton-Green, 2021, p. 18). If a person is unable to use the internet competently, he or she is excluded from an important part of social life that is conducted online, not only in interactions with other individuals but also in interactions with governing bodies such as the state.[7] For this reason, efforts to improve digital

7 An inability to access the internet and to make effective use of new technologies thus amounts, for instance, to an inability to freely exercise the right to lead a private life in undisturbed contact with relatives and friends, the right to acquire and disseminate information and opinions, the right to participate actively in public and private life, the right to obtain appropriate healthcare, and the

accessibility and thereby reduce the digital divide are both necessary and commendable. However, when it comes to removing barriers to digital inclusion, the most common response to the side effects of universal digitalisation appears to be simply more digitalisation (Ożóg & Puchta, 2025a, p. 15), which can in turn lead to a situation where the right to use the internet becomes an obligation to do so, simply because any effective offline alternative no longer exists. It is therefore necessary to analyse the content of the right to (effectively) access the internet as a cornerstone of digital citizenship and to assess whether it also includes the right not to exercise this right and to stay offline.

In this, several international documents can be of help in understanding digital citizenship. The United Nations Human Rights Council resolution A/HRC/32/L.20, for example, emphasises that 'access to information on the internet facilitates vast opportunities for affordable and inclusive education globally, thereby being an important tool to facilitate the promotion of the right to education, while underlining the need to address digital literacy and the digital divide, as it affects the enjoyment of the right to education' (United Nations Human Rights Council, 2016, p. 2). Similarly, the Joint Declaration on Digital Rights and Principles for the Digital Decade by the European Parliament, the Council of the European Union, and the European Commission states in paragraph 6 of the preamble that 'the EU vision for digital transformation puts people at the centre, empowers individuals and fosters innovative businesses. The Decision on the "Digital Decade Policy Programme 2030" sets out the concrete digital targets based on four cardinal points (digital skills, digital infrastructures, digitalisation of businesses and of public services)' (European Parliament, Council of the European Union, & European Commission, 2023, p. 2).

Terzis (2025, p. 35) suggests that digital citizenship should not be understood solely as a personal freedom, allowing individuals to decide whether or not to exercise it. Rather, it can be conceptualised as a social right that obliges the state to take proactive measures to ensure effective internet access and to address conditions that generate various forms of digital divide. In this sense, digital citizenship imposes on the state a responsibility to provide the necessary conditions for online participation across all social groups, both dominant and marginalised, while also carrying an element of obligation for rights holders, akin to the right to education for minors.

The following section of this paper explores how digital citizenship is framed within the legal framework of the European Union and evaluates whether it is more appropriately understood as a personal freedom or as a social right that entails a duty to engage in online civic and social activities.

right to education, as well as the right to access cultural goods and services, among others (Ożóg & Puchta, 2025, p. 14).

4.2. Digital citizenship as a framework of rights, not obligations

To understand the nature of digital citizenship with regard to the right or obligation to use the internet, it should first be considered which existing rights in the European human rights protection system provide legal foundations for the right to have access to the internet and, by extension, the right not to use it (Kużelewska et al., 2025, p. 59). Perhaps the most important issue within the concept of digital citizenship is the question of privacy. Everything a person does online leaves data traces, which are analysed and used in a variety of ways, not only by other digital citizens but also by platform companies, data brokers, public institutions, and the state. Hintz, Dencik, and Wahl-Jorgensen (2019, p. 37) note that the increasingly close integration of digital technologies into everyday life means that individuals generate data traces when they connect with friends via apps, share intimate information about their personal lives through chats, vote, protest, or campaign on platforms, and conduct business interactions that enable everyday activities, from online banking to ordering food, transport, and accommodation. At the same time, this integration also means that individuals are tracked even when they are not explicitly 'using' digital tools.

All these dimensions of a person's activity are covered by the right to respect for privacy and private life under Article 8 of the ECHR. The jurisprudence of the European Court of Human Rights emphasises that personal lifestyle choices, including how individuals engage with society and technology, fall within the protective scope of private life (Kużelewska et al., 2025, p. 59). Article 8 also protects the right to self-determination, which entails individuals' freedom to decide whether and how to engage with digital tools, including the choice to refuse them, as part of an autonomous way of life. The case law of both the European Court of Human Rights and the Court of Justice of the EU, as well as EU data protection rights, reflects this emphasis on autonomy. At the same time, respect for human dignity and pluralism requires that individuals not be compelled into a uniform digital mode of living. Consequently, self-determination strengthens privacy-based arguments against excluding individuals from society solely for refusing to adopt certain technologies (Kużelewska et al., 2025, p. 61).

Another important right in the context of digital citizenship is the right to good administration, protected by Article 41 of the EU Charter of Fundamental Rights. This provision guarantees procedural entitlements, such as the right to be heard, access to one's file, and the right to a reasoned decision, and reflects broader principles of accountability, responsiveness, and openness. Susi (2025, p. 53) argues that, as digitalisation alters core human rights concepts such as legal certainty and foreseeability, the right to good administration applies both online and offline. In this context, the right not to use the internet functions as a safeguard, ensuring that public administration remains accessible offline and preventing the complete migration of administrative processes into the digital sphere.

Lastly, freedom of expression under Article 10 of the ECHR should also be mentioned in this context. It protects not only the ability to impart and receive information but also a negative dimension: the right not to be compelled to communicate or to use a particular medium. While courts have emphasised the importance of internet access for modern expression, Article 10 also safeguards the pluralism of communication channels and technological neutrality. If states make information or participation available exclusively online, they may interfere with the rights of individuals who remain offline, whether by choice or necessity. Consequently, freedom of expression can be understood to include a right to access and convey information through non-digital means, requiring states to preserve offline channels alongside digital ones (Kużelewska et al., 2025, p. 62).

Since digital citizenship, understood as the right to access and use the internet, is embedded in the aforementioned rights and freedoms, its scope of protection can be determined only by examining the scope of protection afforded by those rights. This requires assessing whether they safeguard not only their positive dimension – the ability or entitlement to access and use digital technologies – but also their negative dimension, namely the ability or right to refrain from using them. The answer to this question is decisive for determining whether digital citizenship within the EU legal order is conceived solely as an enabling right or also as one that preserves individual autonomy by protecting the choice to remain offline.

5. Policy implications: How to combine inclusion and freedom of choice

The effort to bridge the digital divide in all its forms, from a lack of physical internet access to insufficient skills and knowledge to use it effectively, is commendable and generates tangible benefits for all citizens of EU countries. According to Terzis (2025, p. 9), wide accessibility to the internet not only promotes economic development but also provides individuals with opportunities to improve their lives and the societies they inhabit through active political participation online. At the same time, however, it introduces risks, including the potential misuse of private data generated by tracing individuals' online activities, a reduction in the emphasis on offline services such as education and healthcare, which are often of higher quality than their online counterparts (e.g. telemedicine, online education), and conditions conducive to the hegemonisation of culture and dominant languages, as well as the spread of misinformation, cyberwarfare, and political manipulation (Terzis, 2025, p. 13).

Considering the nature of the right to internet access as an integral component of digital citizenship, which obliges the state to protect both its positive dimension (the right to use) and its negative dimension (the right not to use), it becomes clear that digital policies must be adequately inclusive. They should aim to bridge digital

divides and ensure internet access for marginalised groups, including the elderly, rural residents, and people with disabilities (European Parliament, Council of the European Union, & European Commission, 2023, Art. 2). At the same time, such policies must respect the human rights framework underlying digital citizenship, which safeguards not only the positive but also the negative aspects of rights and liberties. Accordingly, these policies must avoid coercion unless any restrictive measures satisfy the proportionality principle.

If the right not to use the internet is to be taken seriously as an integral component of digital citizenship, it must be reflected not only at the level of abstract rights but also in the concrete design of public services and civic participation mechanisms. Digital inclusion policies often prioritise technological efficiency and online accessibility, yet far less attention is paid, particularly outside the sphere of public administration, to the institutional safeguards required to ensure that individuals who remain offline can continue to exercise their rights on an equal footing.[8] From a legal perspective, this obligation flows directly from the human rights framework underlying digital citizenship. The right to good administration under Article 41 of the EU Charter of Fundamental Rights presupposes accessibility, fairness, and responsiveness by public authorities, regardless of the medium used. As Susi (2025, p. 54) observes, the right not to use the internet acts as a gatekeeper against the complete migration of public administration into the digital domain. Accordingly, digitalisation cannot justify lowering procedural guarantees; rather, it requires their re-articulation across both digital and non-digital environments.

In practical terms, this implies developing hybrid administrative models in which digital procedures coexist with functional offline alternatives. Such hybridity is already implicitly recognised in many national procedural frameworks, which continue to provide for oral hearings, the physical serving of documents, and parallel digital and offline channels of communication between authorities and individuals. These mechanisms serve not merely as transitional arrangements but as structural safeguards for those who cannot or choose not to engage digitally.[9] European policy documents increasingly acknowledge this need. The European Commission's eGovernment Benchmark (2023) stresses that digital public services must remain inclusive and user-centric, warning against 'digital-only' approaches that risk excluding vulnerable groups, particularly

8 The example of Slovenia illustrates how its network of bank branches has significantly contracted in recent years. This trend reflects the rapid digitalisation of banking services and the reduction in banks' physical presence, leaving an increasing number of users with access to banking services primarily through digital channels. Such developments particularly affect individuals who either lack access to digital technologies or deliberately choose not to use them.

9 An illustrative example is Slovenia, where recent amendments to legislation on administrative procedures preserve the freedom of natural persons to choose between digital and non-digital interaction with public authorities, whereas legal persons are, for instance, subject to a mandatory electronic service.

older persons, rural populations, and persons with disabilities. Likewise, the Organisation for Economic Co-operation and Development (2020, pp. 10–11) has emphasised that effective digital government requires 'multi-channel service delivery', which ensures that offline access remains available for essential public services, including social protection, healthcare, and administrative procedures.

Ensuring offline alternatives thus involves more than retaining legacy procedures; it requires deliberate policy choices aimed at institutional resilience and democratic pluralism. Measures may include co-locating multiple public services in shared physical spaces, enabling assisted access for administrative procedures, and maintaining analogue options for payments, applications, and information requests. Such arrangements not only support non-users but also strengthen systemic robustness during crises, when digital infrastructures may prove insufficient or inaccessible.

Ultimately, the availability of offline pathways constitutes a core condition for preventing the marginalisation of non-users, as discussed further below. Without them, digital citizenship risks evolving from an enabling framework into a subtle form of coercion, in which participation in social, economic, and political life becomes contingent on digital conformity. Respecting the right not to use the internet therefore requires embedding choice into the design of public institutions themselves, ensuring that digital transformation enhances rather than constrains individual autonomy.

As society becomes increasingly digitalised, individuals who choose not to use the internet may face a new form of social exclusion. Ożóg and Puchta (2025b, pp. 97, 99) argue that this digital marginalisation can manifest in both vertical and horizontal dimensions: in the former, non-users may be excluded from access to public services and public administration, including healthcare, education, and administrative procedures, as these services migrate online. In the horizontal dimension, exclusion occurs as essential aspects of everyday life, such as shopping, banking, accessing news, and engaging with media, become predominantly digital. Unlike traditional forms of social exclusion, this new type arises not from personal incapacity or social discrimination alone, but from the structural shift of societal functions into digital spaces. Preventing such marginalisation requires policies that maintain offline alternatives, provide adequate support to marginalised groups, and respect the right not to use the internet, thereby ensuring that digital citizenship protects both the positive and negative dimensions of fundamental rights.

Conclusion

The rapid digital transformation of contemporary societies has profoundly reshaped the conditions under which citizenship is exercised. Within the European Union in particular, digitalisation is no longer perceived merely as a technological

development but as a structural shift affecting democracy, public administration, economic participation, and the exercise of fundamental rights. Against this background, the concept of digital citizenship has emerged as a framework intended to empower individuals to participate meaningfully in social and political life in an increasingly digital environment. At the same time, however, the very success of digital integration policies has revealed a normative tension: if participation in public life becomes predominantly digital, what space remains for those who, by choice or necessity, remain offline?

This article has argued that the right not to use the internet is not a marginal or antagonistic claim directed against digital progress; rather, it constitutes an essential and logically coherent element of digital citizenship properly understood. Digital citizenship, as embedded in the European legal order, derives its normative force from fundamental rights such as privacy, self-determination, freedom of expression, equality, and the right to good administration. These rights are not unidimensional: they protect both the positive freedom to act and the negative freedom to refrain. Just as freedom of expression includes the right not to speak and freedom of religion includes the right not to believe, so too must the right of access to the internet encompass the freedom not to engage with it.

The European approach to digital transformation, encapsulated in the Digital Decade agenda and the Digital Compass, places a strong emphasis on inclusion, digital skills, infrastructure, and the digitalisation of public services. These objectives are legitimate and necessary. Bridging the digital divide, whether understood as a lack of access, lack of skills, or unequal benefits, remains a central task of contemporary social policy. Without effective access to digital tools, individuals risk exclusion from democratic participation, labour markets, education, and public discourse. In this sense, digital citizenship has an undeniable social rights dimension: it requires the state to take positive steps to ensure meaningful access to digital environments.

However, the analysis conducted in this article demonstrates that inclusion cannot be equated with compulsion. When 'digital by default' policies evolve into 'digital-only' practices, the enabling logic of digital citizenship risks turning into digital coercion. Such coercion may not be explicit, but it operates structurally when essential public or private services are only accessible online. In these circumstances, the right to use the internet is transformed de facto into an obligation, and individuals who remain offline, particularly the elderly, persons with disabilities, rural residents, or economically disadvantaged groups, face the risk of vertical and horizontal marginalisation.

From the perspective of European human rights law, such outcomes are difficult to justify. Article 8 of the ECHR protects personal autonomy and lifestyle choices, which encompass decisions regarding technological engagement. Article 10 safeguards not only access to information but also the pluralism of communication channels. Article 41 of the EU Charter requires that public administration remain

accessible, fair, and responsive, irrespective of the medium. These guarantees collectively indicate that digitalisation must remain subordinate to human dignity and individual choice.

Recognising the right not to use the internet does not imply rejecting digital innovation, nor does it entail freezing public administration in analogue form. Rather, it requires designing systems that are inclusive without being coercive. This includes maintaining functional offline alternatives for essential public services, ensuring multi-channel communication, and embedding proportionality analysis into digital policymaking. The right not to use the internet, like other qualified rights, is not absolute; in exceptional circumstances, such as public health emergencies or compelling public interests, temporary limitations may be justified, provided they satisfy the requirements of legality, necessity, and proportionality. Yet such limitations must remain the exception, not the rule.

Importantly, the recognition of offline autonomy has both practical and symbolic significance. Practically, it offers legal clarity and policy guidance, preventing the gradual erosion of non-digital pathways. Symbolically, it reaffirms that technological progress is a means rather than an end. The digital transformation of Europe is intended to serve people, not to redefine the conditions of belonging in ways that exclude those who diverge from dominant technological norms.

Digital citizenship should be understood as a framework of rights that protects participation, competence, and access while simultaneously safeguarding autonomy and pluralism. Its legitimacy depends on preserving the balance between empowerment and restraint, and between integration and freedom of choice. The future of European digital policy must rest on a human-centred constitutionalism of the digital age. Such an approach recognises that the same fundamental rights apply online and offline, and that the expansion of digital opportunities must not result in new forms of exclusion. By embedding the right not to use the internet within the broader architecture of digital citizenship, the European Union can ensure that digital transformation strengthens democracy rather than narrowing the space of individual freedom.

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