

REPUBLIC OF AZERBAIJAN

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ABSTRACT

of the dissertation for the degree of Doctor of Philosophy

THE IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS NORMS TO THE LEGISLATION ON INFORMATION LAW OF THE REPUBLIC OF AZERBAIJAN

Specialty: 5603.01 – “International law; human rights”

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GENERAL CHARACTERIZATION OF THE DISSERTATION

The actuality of the topic and the level of elaboration. The **first factor** conditioning the actuality of the research is the international legal obligations of governmental and non-governmental entities arising from the development of the information society and the change of human rights in the traditional nature and the acquisition of new electronic-digital features during the transition to a knowledge society. The methodology of regulation, protection and enforcement of human rights in various areas and spheres of law has changed. New technological advances have broadened the scope of information law in particular, and there appeared a need for a deeper study of human rights mechanisms and their scope. The content of international human rights obligations imposed on governmental and non-governmental entities in the information age has also been updated and this made important the concepts of implementation of relevant international human rights norms in national legislation, new directions of legislation on information law, to study the link between sustainable digital development and human rights, the legal basis of human rights, information and knowledge societies in the virtual environment.

Regular research of new needs and practical-theoretical problems in these areas, requirements for the implementation and updating of legal norms in national legislation are reflected in the form of mandatory and recommendatory provisions in many international legal documents. In this regard, along with other international legal instruments, the UN Charter (Preamble, Articles 1, 2, 13), the International Bill on Human Rights, the UN human rights conventions, the 2030 Agenda for Sustainable Development, the resolutions of the UN Human Rights Council and the UN General Assembly, etc. have essential meanings. At the regional level, the Council of Europe's European Convention on Human Rights, other conventions and the case law of the European Court of Human Rights, the "soft law" norms of the Committee of Ministers, etc. are

important for member states. Although the Republic of Azerbaijan is not a direct member of the European Union, EU human rights norms in the field of information law have serious importance in the modernization of national law. National legislature may benefit from the EU legislation, e-government and cybersecurity, e-commerce strategies, etc. what are in force.

The successful implementation of the above-mentioned norms of international law and the qualitative fulfillment of the international obligations of the Republic of Azerbaijan in the field of information law can be proved through the national legal framework. The national legislature has approached the implementation of international law in several ways. Main international human rights instruments underlying the human rights approach by the UN and the Council of Europe have been ratified, and national legislation has been brought into line with relevant requirements. This can be seen in the human rights norms of the country's Constitution and other legislative acts regulating information rights and freedoms. Within the second direction, international obligations on ensuring the information society and information circulation in general have been fulfilled. At that time, state programs and action plans for the establishment and formation of the information society played a key normative base. As a third implementation direction, legislation on sustainable development of the information society, general economic and social development trends, protection of intellectual property, etc. has been improved.

However, the rapid development of ICT, the problems of human rights regulation in new information spheres of public life, new virtual platforms, the penetration of the Internet of Things in all areas of our lives have raised new questions in the field of information law, in the implementation of international human rights norms. The solution of all these theoretical and practical difficulties can be considered as **the second factor** that increases the level of actuality of the dissertation. Some of the challenges, being conceptual in nature, define responsibilities not only for the national legislature but also for international law actors and civil society

organizations involved in the implementation process. In this sense, the main problem is to determine the scope of the field of information law and the scope of the relevant legislation basis. The field of international information law, the real application of the main theories in this field, the position of international information legislation, the concept of key terms and expressions are not fully developed by experts from international organizations and member states. Moreover, the unity of ethical and legal norms in ensuring the flow of information, the validity of the emerging human rights has not been studied. From a practical point of view, the relationship between international and national information legislation, the methodology of implementation, the contradictions created by the information flow for related rights and freedoms, "Internet Governance" is not fully regulated. For these reasons, certain gaps in the information law of the republic should be kept in the spotlight, the national regulatory framework should be updated in the context of the latest technological achievements. Renewal should be reflected in the formation of a modern theoretical and conceptual framework, the update of existing legislation and the establishment of norms in new areas, the regulation of appropriate behavior. Among the main problems that need to be reconsidered, full study of information circulation, correct use of expressions and terms in the norms of this circulation, clarification of legal violations and liability for legal entities in codes, correct definition of the scope of legislation, artificial intelligence, surveillance, regulation of new information security criteria, etc. takes an important place.

Certain research was conducted on various aspects of the topic, including the Internet, human rights in cyberspace, cyberspace and security, general human rights theory and practice, the theoretical foundations of information law, both at the foreign and national levels, based on the analysis of international and domestic legislation. As examples to the authors who have conducted research on international and national human rights legislation, freedom of information, regulation of rights and freedoms in our country, A.I.Aliyev, T.I.Huseynov, A.I.Sadigov, L.H.Huseynov,

R.F.Mammadov, S.I.Aliyev, Z.A.Asgarov, R.K.Mammadov, G.A.Rzayeva, N.A.Alakbarova, R.M.Aliguliyev, D.M.Ganbarov , A.N.Ibrahimova, S.T.Majidli, B.A.Maharramov, Z.H.Aliyev, A.G.Mammadov, N.A.Adilov, F.S.Abdullayev, I.M.Jafarov, P.A.Bayramova, V.A.Ibayev, K.S.Imanov, M.F.Malikova, A.I.Guliyev, I.M.Rahimov, A.M.Safikhanli, F.S.Mehdiyev and others may be named.

Various aspects of the information law have been studied in depth, and human rights have been analyzed in relevant aspects in the CIS region, especially in the Russian Federation. Among such authors I.L.Bachilo, M.A.Lapina, S.A.Babkin, V.N.Lopatin, V.M.Boyer, O.A.Gorodov, G.V.Grachev, L.L.Popov, E.V.Burtseva, N.N.Kovaleva, P.U.Kuznetsov, I.M.Rassolov and others should be specially noted.

Among the authors from Europe, America and other regions, it is possible to draw the names J.Crawford, I.Hurd, N.G.Foster, J.Kurbalija, R.Giblin, S.M.Grieves, Y.Pouillet, T.Augustine, D.Haynes, A.Henriksen, T.Hildebrandt, S.Hoffman, J.Snyder, M.T.Dousa, N.G.Taylor, F.R.Jorgensen, M.N.Kabir, M.Kamei, M.Kantardzic, H.Kelsen, A.Kellow, M.Andrew, I.E.Koch, R.Kolb, S.Sinha, L.Niglia, G.Lieve, D.Hall, A.G.A.Lloyd, F.Londras, N.Lucchi, A.G.Miller, E.L.Gillies, J.D.Rollins, J.W.Martin, A.Kandel and others.

Although various areas of international and domestic law, the protection of human rights and freedoms, and the information law were examined in foreign and national literature, scope of international and national information legislation, system of related human rights and freedoms, harmonization of national legislation, regulation of new rights and freedoms based on the impact of ICT, sustainable digital development and human rights, regulatory framework of the knowledge society and application of human rights approach to information has not been investigated in complex manner. It is for the first time that the systematic implementation of international human rights norms into national information law and information legislation is the subject of a separate study.

The object of the research is comprised of the set of public relations for the systematic implementation of international human rights norms into national information legislation and the regulation, protection and enforcement of human rights in the field of information law.

The subject matter of the research is comprised of the norms of human rights in the field of information, information policy, information and knowledge societies, international law on virtual space and information circulation in general, as well as constitutional law, information law, human rights, administrative law on the issues mentioned in the national legal system; the interaction of the relevant international human rights system and mechanisms with national state and non-state mechanisms, with different areas that make up the national legal system (constitutional law, human rights, information law, etc.); interpretation, analysis, scientific criticism and program literature, international and national human rights practice, precedent and report materials on legal and other related fields linked to the researched problems.

The goals and objectives of the research. The main goal of the dissertation is to study the theoretical and conceptual basis of human rights in the field of information law, to comprehensively analyze the application of the international regulatory framework to national law, to systematically study the scope, essence and directions of harmonization of international and national legislative practice in the field of information, to study in detail the impact of international human rights standards on the development of protected, regulated and guaranteed rights and freedoms in the field of national information, the improvement of the relevant regulatory framework.

In order to achieve the mentioned goals, the following **research objectives** have been identified for the research work:

- To determine the concepts and system of information, information circulation, information legislation and the field of

information law necessary for the proper study of human rights and freedoms in the field of information;

- To establish a system of rights and freedoms related to the information sphere, to determine the scope of national and international information legislation, to study human rights and freedoms as a subject element of the field of information law and as an integral part of information law relations;

- To study the traditional international legal approach to human rights in the global information sphere, mechanisms and standards of human rights organizations, in particular, the specific features of the norms on human rights of the UN, the Council of Europe, the European Union, the World Trade Organization, the World Intellectual Property Organization, and courts such as the ECtHR and the EU Court of Justice, the implementation obligations imposed on state and non-state entities;

- To determine the methodology for the implementation of international norms into national legislation in order to develop the world information society and global information legislation;

- To determine the system and classification of national legislation in the field of information in order to improve the quality of implementation;

- To set standards for the regulation of intellectual property rights and freedoms in intellectual property, sustainable development, bioethics and other areas and in the virtual space in the information age;

- To determine the directions of improvement of the normative base on the rights and freedoms created and formed under the influence of ICT, new criteria of information security.

The scientific novelty of the research is conditioned to the fact that for the first time in the national law, the dissertation is devoted to the theoretical foundations of information circulation, the role of information legislation and information law in the regulation of information circulation as a whole, systematization of international information legislation, conceptual and practical bases of human rights and information law approach. For the first time in

the research, proposals were made on the legislative basis of information rights and freedoms and the impact of information on human rights, recommendations were prepared on the basis of international case law related to the regulation of technological advances, particularly artificial intelligence and the regulation of human rights in the Internet of Things, the fight against electronic inequality has been analyzed as a basic principle of all areas of law in the information society, a new classification of human rights and freedoms has been proposed for use in information circulation, and the implementation of these rights and freedoms in national information legislation has been legally assessed as an endlessly ongoing process.

The dissertation is the first comprehensive research covering the implementation of international human rights norms in the legislation of the Republic of Azerbaijan on information law, theoretical and practical problems, harmonization of international and national regulations on the basis of global information concepts. The novelty of the research has shown itself in the application of human rights approach to information circulation for the first time, in the comparison of the information sphere with the information law legislation, in the study of the role of human rights in the regulation of information circulation, in studying the possibility of normative regulation of the negative and positive effects of ICT on human rights, in the classification of newly formed rights and freedoms in the field of information, in determining the modern prospects of human rights and freedoms in the field of information law, etc. In the dissertation, human rights are systematically studied within the concepts of methodology of implementation of information rights and freedoms, information society, knowledge society, sustainable development, information security, regulation of virtual space.

The mentioned ideas, covering the scientific innovations of the dissertation, create conditions for the defense of the following **main new scientific provisions**:

1) To understand the scope of human rights and freedoms related to the field of information law, the content and objectives of

relevant legislation, the importance and scope of the implementation of international human rights standards in national law, first of all, the content of the information legislation, the information itself and the information circulation should be studied. Information is studied within the framework of information science and in the process of information circulation on the basis of information rights and freedoms. The term "information" together with the terms "knowledge" and "data" form the steps of the knowledge hierarchy. From a legal point of view, information is a set of data that acquires a certain meaning in the process of use and processing.

2) One of the principles on which the information flow is based is the principle of respect for human rights and freedoms. In general, it is possible to approach the information circulation as the circulation of the use of information rights and freedoms of the subjects.

3) The scope of legislation on information law in the narrow sense is not the same as the legislation on information circulation in the broad sense. Legislation on information circulation and related human rights norms can be studied within e-commerce, media law, advocacy law, criminal law, civil law, etc. In a narrow sense, information legislation is the normative basis of the field of information law. The information law and legislation covers the public relations, the ultimate goal of which is information, the rights and freedoms of the subjects, and studies the information cycle itself, the movement of information. In this case, information can be both a public and a civil object.

4) The development of ICT not only brings many innovations, but also creates difficulties for human rights and freedoms. Among them, information overload and informational divide related to the development of the knowledge society have a special place. In our opinion, although the term "knowledge society" or "digital society" is more successful than the term "information society", "information society" has a wider scope and use.

5) The main freedom in the legislation on information law is the freedom of information and expression. However, special

attention should be paid to the formation of new information rights. For example, the right of inadmissibility of cyber-hate, the right to the truth, the right to access true information and the fight against misinformation, the right to protection against information fraud, the right to protection against information arbitrariness, the right to self-determination of information nature, etc. can be inflated. It is possible to suggest their system and classification.

6) The main role in determining the scope of rights and freedoms in the field of information belongs to international information legislation. It is also possible to talk about the field of international information law and its regulatory framework. In this case, norms on human rights, information and knowledge society, internet and new technologies, telecommunications and press, sustainable development, intellectual property can be grouped.

7) The theory of general international law can be applied to the sphere of international information. International information legislation is in the form of sources of law defined in the general theory of international law. The principles of general international law, in particular the principle of respect for fundamental human rights and freedoms, also apply to the field of international information. In this case, it is possible to analyze the inadmissibility of information inequality, the provision of accurate information about the environmental situation within the framework of the draft *ius cogens* norms proposed to the International Law Commission. The protection of rights and freedoms in the field of international information, individual and collective responsibility is also carried out on the basis of the general theory of international law.

8) In the world scale the UN, the WTO, the UNESCO, the WIPO, etc. operate to regulate the information sphere. Obligations set by UN mechanisms on rights and freedoms in the field of information are on state and non-state actors. UN family organizations also address these issues within the strategies of information and knowledge societies. The norms of international regional law, which are more suitable for our republic, have been established by the Council of Europe and the European Union. These

two organizations also consider human rights and freedoms in the framework of e-government, good governance and digital government programs. The Council of Europe's work on information rights and freedoms is largely based on the ECHR and the ECtHR. The precedents of both the ECtHR and the EU Court of Justice make it necessary to view human rights under the influence of ICT, within such problems as bioethics, information control, privacy, informational self-determination, and so on. The economic basis of EU law on the right to information is more prominent. In EU information law, information is at the same time a civil object of both rights and freedoms and entrepreneurial activity.

9) The implementation of international norms in information legislation can be understood not narrowly, but in a broad sense - as the implementation of both norms and rules of conduct and normative purpose. Implementation should be based not only on contractual norms, but also on the application of customary law and the principles of international law to national information law.

10) In our opinion, in order to improve the quality of ensuring rights and freedoms in the information sphere, it is possible to strengthen the Ombudsman's control in this area, increase the official powers of the Ombudsman or strengthen the activities of a separate body in the Ombudsman's Office. On the other hand, it may be proposed to establish an Information Ombudsman in the form of a non-governmental organization subordinate to the main Ombudsman, operating under him and having certain research and recommendation functions.

11) The fight against the problems posed by new digital technologies should be more widely reflected in the national legislation on the information society. At that time the provision of the Constitution on the inadmissibility of discrimination must be analyzed in the context of combating digital divide. It would be expedient for the legislature to clarify his attitude to the issues on cyber-hate, information tracking, information theft, information processing through artificial intelligence, limits on statistical information collection, information authenticity, dissemination of

Azerbaijani realities through the global information network (including Nagorno-Karabakh realities, Armenian criminal offenses and cultural genocide), etc.

12) Rights and freedoms in the field of information law can sometimes conflict with the basic requirements of intellectual property rights. The freedom of information environment created by ICTs sometimes allows unauthorized electronic use of works protected by intellectual property laws. In resolving these contradictions, it is expedient to make greater use of the relevant experience of the ECtHR and the EU Court of Justice, and to develop national intellectual property law and practice on the basis of "fair use" and "common creative property".

Theoretical and practical significance of the research. The **theoretical significance of the research** is reflected in the proposals on the conceptual framework of information law, legislation on information circulation, ensuring information and intellectual property rights, methodology for the implementation of human rights in the information sphere. On the basis of comparative analysis of international and national legal norms, the directions of enrichment of the legislation were determined, the relevant theoretical basis was defined. The results of the research can be used in the studies on areas such as human rights in information policy, the role of law in information management, ICT and digital law, human rights in information circulation, international legal approach to information, human rights approach in information sphere, information law and ethics, cyber law, rights and freedoms in information society, human rights basis of knowledge society, digital intellectual property rights, etc.

The practical significance of the research is that the results and main proposals of the study can be used in the formation of state policy on information, modernization of legislation, realization of international human rights obligations, implementation of international law. The researched problems can be used in teaching subjects related to information law, especially in the teaching of "Human Rights", "Public International Law", "Information Law",

"Intellectual Property Law" courses within the bachelor's degree in Law. The issues raised in the research and proposals for their solution can be used at the master's degree level in "International Law", "European Law", "Human Rights", "Information Law" and "Intellectual Property Law". In addition, the practical approach and analysis justified in the dissertation can be applied by the relevant government agencies in directions such as the areas of upcoming issues, judicial litigation, human rights complaints, ensuring information transparency, development of information security.

Approbation and application. The gained results of the research work are highlighted in the textbook "Information Law" and the manual "Human Rights, Intellectual Property and Information: Mutual Legal Relationships" co-authored with other authors. Certain aspects of the research were presented at international scientific-practical conferences on topical issues of law. The main provisions and results of the study have been published in the publications recommended by the HAC under the President of the Republic of Azerbaijan, in the authoritative publications of Luxembourg, Ukraine, Moldova, Lithuania and Russia. The main results and innovations of the dissertation was used by the author during the teaching of subjects such as "Human Rights", "Information Law", "European Court Precedent Law", "Human Rights and Freedom of Information", "Development and Social Rights", "European Human Rights System", "International Public Law" conducted in English and Azerbaijani languages.

Name of the organization where the dissertation work is performed. The dissertation work was carried out at the UNESCO Chair on Human Rights and Information Law of the Law Faculty of Baku State University, discussed and recommended for defense.

The structure of the research work is constructed in line with the goals, objectives and methodology of the research, taking into account the scientific features of the information law field, the specifics of related human rights. The dissertation is comprised of total 201 pages, 368455 characters, being composed of Introduction

17 pages, Chapter I 48 pages, Chapter II 25 pages, Chapter III 23 pages, Conclusion 10 pages, list of used literature 60 pages.

MAIN CONTENT OF THE DISSERTATION

In the **Introduction** part of the dissertation, the factors determining the actuality of the chosen topic for research, research on the degree of elaboration of the topic, the main provisions for the defense of the dissertation, scientific novelty of the research topic, research goals and objectives, approbation and application of the research, name of the research institution, information on the structure, volume, section and total volume of the dissertation is presented.

The first chapter, entitled "**Features of the legislation on the information law**" consists of three paragraphs, discusses the initial theoretical and conceptual foundations of research work, contains in itself important scientific provisions related to specific features of the legal norms in the regulation of the cyclic movement of the information and to the place of information law, directions of joint development of information society concepts with information rights and freedoms, as well as on the modern characteristics of the means of implementation as a means of effective regulation of the global information society and borderless information circulation.

The first paragraph examines the concept of information and information circulation, the rights and freedoms of participants in information circulation, ethical values, the place of information law in the system of social norms related to information circulation and the theoretical and normative base of information law.

The role of information science in providing the simplest and most understandable explanations of information is great. For this reason, information law should be studied among the information sciences, and the main aspects of information sciences in the field of information law should be investigated. In our opinion, taking into account the main features of the information movement, we can distinguish 2 main types of movement:

- a) Cyclic flow of information - information circulation;
- b) Actions facilitating (providing) information circulation - of ancillary nature to information circulation.

In **the second paragraph** it was proposed a legislative system for the circulation of information and the place of human rights in this system, the concepts of "human rights approach", "information law approach", the information society and the knowledge society were examined.

Human rights are an integral part of modern public and private life and cover all areas of activity. One of the main elements of the information legal relationship is the rights and freedoms of the parties, the corresponding duties and obligations of the other party. In the field of information law, the essence of human rights and freedoms, the impact of ICT, the problems of regulating human rights in the real and digital information space are addressed at both the scientific and legislative levels. In addition, respect for human rights and freedoms, which is one of the general principles of law, is one of the principles on which the field of information law and information legislation is based, as in other areas of law. Based on this principle, information can be considered as both a public value and a commodity. Information as a public value is important for human rights and freedoms. The use of human rights and freedoms in the field of information is an important requirement for becoming an effective global citizen of modern global society.

The third paragraph is devoted to the basics of creating global information legislation in accordance with the global information circulation, the interaction of international and national human rights norms in this direction and harmonization through the institution of implementation, the basis for the formation of global information legislation.

In the field of information, while aiming implementation, we mean the inclusion of these norms in written acts, the use of international practice by courts, the codification of international customary law, the observance of ius cogens norms and principles of international law by national legal entities. We can approach the

implementation of human rights in the field of information from a narrow and broad perspective. In the narrow sense, the approach is based on the rights and freedoms of information that are purely related to the movement of information - access, transmission, etc. Nevertheless, the implementation of human rights in the field of information in a broad sense covers providing, receiving information, etc. issues in the public relations being included to the traditional civil, criminal, administrative, etc. law areas.

The second chapter is entitled "**The normative base of the global information space in the context of international human rights**" and consists of two paragraphs.

The first paragraph classifies the universal norms of human rights and freedoms included in the legislation of international information law.

When we talk about human rights standards in the field of information, in our opinion, the first freedom of information can be put forward. Norms on freedom of information can be considered the first international norms of information. Freedom of information at the universal level is mainly regulated by the UN. However, the UN does not have a separate global document on freedom of information. The main universal standards of human rights that can be applied to the international information sphere are based on international customary law, the principles of international law and written legal norms, and in our opinion, the directions of implementation of these standards can be grouped as follows:

- Human rights norms;
- Norms related to the information and knowledge societies;
- Norms related to the Internet and new technologies
- Norms related to telecommunications, mass media and press;
- Norms on sustainable development;
- Norms on intellectual property rights

The second paragraph examines the regional-legal criteria of human rights related to the circulation of information.

Regional information legislation and human rights norms are not equally successful on all continents. In our opinion, the Council

of Europe and the European Union can show better results in this direction than others.

The most well-known human rights norms related to the circulation of information within the Council of Europe may be the relevant articles of the European Convention on Human Rights and the decisions of the European Court of Human Rights. However, there are many documents and mechanisms of the Council of Europe covering information norms. The Council of Europe has been the most active organization in the information society in promoting and advocating for human rights. Among its goals in its charter, adopted in 1949, the Council of Europe affirmed its commitment to the individual's freedom, political freedom and to the rule of law, which form the basis of democracy. For this reason, the Council of Europe's current legislative and judicial activities are focused on human rights, democracy and the rule of law.

Within the European Union, the regulation of the information sphere and related human rights is also distinguished by its peculiarities. This can be explained by the difference in the goals of the EU as an organization, the greater coverage of economic issues in EU law and the different organizational structure of the EU from the Council of Europe. Among the EU bodies, the European Parliament and the EU Court of Justice are called "champions" for information transparency and openness. However, for so long, they have been left out of human rights issues. The only exception is the case law of the EU Court of Justice. The EU Court has also played an important role in harmonizing EU and Council of Europe legislation. In this sense, its decisions on disputes over human rights norms in the information sphere can be compared with the relevant ECtHR decisions.

The third chapter, entitled "Establishment of international human rights in the information legislation of the Republic of Azerbaijan", includes three separate paragraphs on the national legal regulation of information rights and freedoms, information society legislation, as well as the impact of virtual space and new technological advances on human rights.

The first paragraph examines the national legal framework and system elements in the field of information law, human rights norms.

Being considered as the traditional elements of the freedom of information and freedom of expression, each of the behaviors to receive information, to express an opinion, to refuse to express an opinion, to transmit information, to collect and disseminate information, etc. can now be studied and applied separately as independent rights. In this sense, we can use the term "information rights" or "information freedoms". It is impossible to see the system of rights and freedoms, duties and responsibilities, directions and principles of state policy in the field of information in the normative legal acts related to information circulation.

One of the main difficulties in the information legislation on human rights is the correct understanding of specific norms and provisions. First of all, it should be noted that the rights and freedoms we have in real life apply equally to the field of ICT and information. In this sense, it is necessary to refer to Articles 25 and 48 of the Constitution.

One of the norms that needs to be clarified is the freedom of information. The term "information" or "data" can be interpreted as symbols representing something, "information" as interpreted and meaningful "data", and the term "knowledge" as a concept derived from "information". In other words, "data" is a part of the concept of "information". For this reason, the data freedoms established by the legislator in Article 50.1 apply equally to freedom of information. In our opinion, the term "information" should be used more than the term "data" for information legislation.

The second paragraph examines the regulatory framework for building a national information society.

The information society has also had a significant impact on the regulation and interpretation of rights and freedoms within information legislation. One of such interpretations is related to the protection of personal data and the right to confidentiality. The protection of personal data in the information society has led to a

new right called the "right to self-determination of an informational nature". We believe that this right is also important in building an information society and improving the relevant legal framework.

There are a number of government agencies that need to coordinate their role in protecting information legislation. Thus, the Ombudsman may consider complaints about violations of the right to information. In our opinion, it would be more appropriate if the Ombudsman monitors not only the access to information, but also the protection of other information rights. In this case, cooperation with the Intellectual Property Agency is inevitable. Based on the experience of foreign countries, it is possible to establish an Information Ombudsman as a non-governmental organization.

Relevant provisions on combating information violations are contained in the Code of Administrative Offenses and the Criminal Code. The articles on information violations in the Code of Administrative Offenses are mainly fixed in the chapters on administrative offenses against the rules of communication and administrative offenses against the rules of use, dissemination and protection of information. In our opinion, the provisions of both chapters should be enriched in accordance with the development of the information society and new directions of ICT.

The third **paragraph** deals with the perspectives of digital human rights, the legal framework of Internet Governance, and the place of legal norms and human rights principles in this governance.

Violations and human rights problems in the virtual space are the result of how weak and fragmented Internet Governance is. However, the enormous burden of electronic technology and the regulation of the digital environment can't be placed on government mechanisms alone. It should be noted that in the modern language of international law, with the exception of the state and direct users in the digital environment, all legal entities and individuals engaged in entrepreneurial activities for dissemination, sharing, collection of information, conducting scientific research, etc. other purposes are called "Internet Intermediaries". The positive role of Internet Intermediaries in the international human rights system and their

commitment to the digital environment has long been recognized by experts. However, there is no universal international document on the specific obligations of individuals and legal entities engaged in entrepreneurial activities in the digital environment, and the form of liability.

The Conclusion section of the dissertation presents the proposals and results of the research:

- The elements of freedom of information in the information society, as well as the regrouping of traditional human rights on the criteria of information should be given a more serious place in the science of national law. At present, information has become a new component of all rights and freedoms, and has even led to the emergence of a number of new human rights.

- The meaning of the term "information" in the concept of "information circulation" should be clarified in comparison with the terms "knowledge" and "data". The emergence of certain rights of self-defense related to information in the information circulation is conditioned (the right to self-determination of an informational nature, the right to the inadmissibility of cyber-hate, the right to the inadmissibility of electronic inequality, etc.). Implementation obligations for this type of new rights are conditioned by the social responsibility criteria of governmental and non-governmental bodies.

- The main subject of the global information society that can be created through the institution of implementation is "the global citizen". There is a serious need to study this concept in our national legal science, to reveal its legal aspects, to define the rights and freedoms of a global citizen as a subject of the global information society.

- One of the important issues for the theory of national law is to define the contours, to clarify the meaning and to apply in the information law field a concept called "Human Rights-Based Approach" in English, which can be translated into our language as "human rights approach" or literally "human rights-based approach". This allows us to study public relations being the subject matter of such areas as criminal law, civil law, administrative law,

constitutional law, municipal law, commercial law, tax law, and so on, by applying the human rights approach.

- Having further developed the above-mentioned ideas, we can also propose the application of the "information law approach" or "information law-based approach" for the legal sciences of the Republic of Azerbaijan. Thus, the field of information law does not cover all elements of the information cycle.

- One of the important problems for legal regulation is the regulation of the digital environment and the use of digital rights and freedoms. In our opinion, the role of uncontrolled social networks in this area should be emphasized. The social network can be characterized by many human rights violations that go unpunished today. In solving these problems, it is possible to use the "Information Code of Ethics" or "Ethics of the Internet", the draft principles we propose at the end of the dissertation.

- In accordance with the ideas of global citizenship, the roots of international information legislation are derived from international human rights norms, norms of the law of sustainable development, norms of the information society, international media legislation, etc. In our opinion, there is a serious need to study these areas separately. Certain norms in international information law may be of a customary nature, others are conventional norms such as information rights and freedoms, and others are provisions for the establishment of information society in the form of soft legal norms.

- The circulation of information, to which information rights and freedoms are related, both in national and international law, can be analyzed not only in terms of free movement of information, but also in terms of property rights and entrepreneurial activity, the purpose of earning income. In our opinion, the law of the European Union can have a strong positive impact on the deeper study of this dual approach to the information flow.

- Electronic (digital) divide is one of the problems that is important for both international and national information law, as well as for human rights in general. It is necessary to pay more attention

to the study of electronic divide in our national legal science. In each form, electronic inequality must be seen as a form of discrimination.

- The development of the information society and the growth of global technological tools have led to the emergence of new grouping criteria within the legal field. One such area of law that needs to be reconsidered is the area of sustainable development law. However, it is incorrect to link this area of law only to the UN 2030 Agenda for Sustainable Development. The legal aspects of sustainable development manifest themselves in several areas - sustainable environmental protection, sustainable social security, sustainable economic development, as well as the sustainable development of information rights and freedoms. We believe that the component of sustainable technological development in the field of national information law should be given a special place. Another area that connects the field of the law of sustainable development and the field of information law is human rights, or more precisely, the right to collective and individual development.

- Legislation in the field of information law should be systematized more seriously in our national legal system. National information legislation consists of various normative legal acts and contains a large number of laws and other documents. In our opinion, this type of retail has a serious negative impact on the emergence of established legal practice.

- One of the issues that create serious problems in the field of information is related to the terminology used in national legislation and the translation of relevant international documents. We propose to reconsider the translation into our language of a number of international human rights instruments whose original language is English. At the same time, it would be better to clarify between terms such as "information" and "data", to systematize the criteria for which information is private or confidential.

- Among the achievements of the new information society, one of the most controversial issues from the legal point of view is the problems of artificial intelligence, its legal regulation and harmonization of its activities with human rights. Artificial

intelligence is, in fact, an issue that has long been outside the scope of legal regulation. However, in our country, ASAN Service and various other government agencies use simple versions of artificial intelligence - search and automatic response bots (ASANBoT, etc.). In our opinion, as a result of the wider application of artificial intelligence, its legal regulation will become more complicated, and national legislation should be prepared for this.

- It would be good if a specialized ombudsman played an important role in ensuring the information rights and freedoms. In this regard, it is possible to increase the powers and oversight functions of the Human Rights Ombudsman or to establish an Information Ombudsman of a non-governmental nature under the main Ombudsman. In our opinion, the Information Ombudsman can be successful in conveying the truth about Azerbaijan to the world, combating the disinformation of Armenian criminals and other areas.

- Certain conflicts of interest between human rights, especially copyright, related to information rights and freedoms in the field of intellectual property, can be found in legal practice and theory. This conflict of interest is exacerbated by the weak control, lack of diversification and lack of effective quality of digital legal ethics in the Internet space. In this case, the issues of responsibility, especially the legal responsibility of intermediaries and providers who play a secondary role in violations, and the responsibility of Internet Intermediaries in the digital space should be clearly defined, in which cases the intermediaries are directly liable and in which cases they are released.

- Another human rights problem of the modern information space is giving more importance to civil business and commercial interests than human rights. In the digital space as a whole, there are many electronic programs, softwares (applications), auxiliary electronic tools, the sale and marketing of which is in the interests of a group of commercial entities to generate income. But at the same time, it is necessary to pay serious attention to the fact that these programs interfere with a number of human rights and freedoms.

The main provisions of the dissertation are reflected in the following scientific works of the applicant:

1. Improvement of the legislation of Azerbaijan on the basis of international legal norms // Collection of materials of the international scientific-practical conference "Problems of interaction between the individual and the government in the conditions of building a rule of law", - May 31 - RF, Kursk, SWSU: 2010, Volume 2, - pp. 104-106. (in Russian)

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