

THE U.N. NEEDS A REBOOT:
A DECLARATION OF DIGITAL HUMAN RIGHTS

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It is time for the United Nations (U.N.) to be explicit in its attention to digital human rights. Human beings now have not only a human identity, we have a digital identity through our digital interactions/presence. Whether our digital identities are products of personal choice or the actions of others, we are all *autonomous digital data subjects*. Human rights principles of human dignity and security of the person echoing throughout human rights resolutions, declarations, and treaties are equally applicable to the Internet, in its perpetual transmogrification.

On April 2, 2020, U.N. Secretary-General António Guterres said, “One thing that’s clear is that we’re seeing the mass digitalization of human relations with the [COVID-19] crisis, and that will have an inevitable impact.” Even before COVID-19, the Secretary-General said hostile uses of cyberspace “demand a much more vigorous collective response. . . . We have a collective responsibility to give direction to these technologies.”

This “collective responsibility” has been the leitmotif of U.N. discussions and resolutions about the Internet for 20 years, yet human rights principles directing that collective responsibility are still undeveloped. The U.N. has consistently emphasized technology as a tool for human rights, rather than something in and of itself that needs to be the subject of human rights. Before COVID-19, formalized aspirational attention to digital human rights was overdue. During and after COVID-19, digital human rights principles *must be* counted among fundamental human rights principles.

The U.N. Charter’s Preamble defined the U.N.’s purpose, in part, “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of

men and women and of nations large and small, and . . . to promote social progress and better standards of life in larger freedom.” The U.N. more specifically articulated these rights in the Universal Declaration of Human Rights (UDHR). Subsequent treaties and declarations elaborated fundamental principles in the UDHR to specific concerns; now is the time for the U.N. to use its authority, responsibility, and jurisdiction to declare digital human rights.

This paper looks at where the U.N. has been and where it needs to go to assert digital human rights principles and provisions. It traces the U.N.’s attention to digital issues thus far and opines on these processes. Because the scope of digital issues impacting human rights is almost boundless and ever-evolving, the highlight is on online mugshots and revenge porn, examples of human rights abuses impacting human dignity and security of the person. Other human rights concerns may be extrapolated from this focus. The paper looks to the U.N. Charter and the UDHR for a legal context to address digital human rights issues. It then looks at specific articles within the UDHR through the lens of digital human rights concerns and examples of first articles from issue-specific treaties and declarations developed from the UDHR. Finally, this paper recommends a path forward for the protection of digital human rights with a sample of articles for a U.N. Declaration of Digital Human Rights.