

Human Rights: Global Perspectives

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Protection of Human Rights in the 21st Century Digital Era

Moromi Gohain

"No one is superior or inferior. All are brothers and all should strive for the interest of all and progress collectively"

—Rig Veda

Introduction

We all exist in a need-based society and are born free. We share equal dignity and rights. Rights are inherent in nature, inalienable and moral claims in all human beings by virtue of their humanity. Human rights are not codified laws but are natural rights and have progressed in human society over the years and have become a global phenomenon. Human rights refer to the fundamental freedoms and liberties of the individual without which it makes it difficult for the individual to perish.

The Universal Declaration of Human Rights adopted and proclaimed by General Assembly Resolution 217A(III) on 10 December 1948 is considered as one of the remarkable and common standards for the emancipation of the rights of all the people and nations. Ever since the 10th December of every year is observed as Human Rights Day. Human rights is a basic recommendation of the international "Code of Conduct" which is regarded as a universally accepted norms. The Universal

Declaration of Human Rights provides emphasis for the promotion and protection of human rights to all the people and across the globe. All the thirty rights enshrined in the Universal Declaration of Human Rights are considered to be sacred commandments for the peaceful existence of mankind.

The Indian Constitution also plays a remarkable role in the emancipation of the rights of humans. Though the term "Human Rights" is not mentioned in the Indian Constitution but the term "Fundamental Rights" included in the Indian Constitution implies the same meaning as inherent in the Declaration of Human Rights. The Preamble, the Fundamental Rights, the Fundamental Duties, the Directive Principles of State Policy are some of the major steps initiated for the realisation of human rights of all men, women and children in India.

The modern age is an era of digitisation. There is no exception for transformation in Indian society, as it is becoming modernised day by day. In this transforming society of the digitised era, an enormous change is inevitable to occur in an individual's physical, mental and social aspects as well. With the tremendous and rapid expansion of digital communication, infrastructure and mass adoption of digital technologies it has brought about profound societal changes, chaos and disruption. It has transformed the means through which human rights are both exercised and violated across the globe. Human beings are divided according to their caste, creed, colour, religion, birth place, sex, money power etc. Every human being differs in one way or the other. Despite all the differences the basic and fundamental rights of the individual should be protected. Protection of human rights in the 21st century depends on the individual's ability to articulate on how to enforce human rights principles in the digital context. People's rights are regulated by rule of law and so it is the prime duty of the government and various stakeholders to protect the rights and must lead in the reaffirmation of the international human rights framework as a central pillar for the progress, freedom, security and development in the 21st century digital environment.

Human rights in 21st century digital era

The present era is an age of science and technology. Digital technology has immensely contributed in reshaping human society and is enabling us to move fast forward towards the digital world. In a digitised world, focusing on human rights has become noteworthy for a better society and nation. All the human activities in today's world have been digitised. It has developed tools which provide tremendous opportunities to the people to exercise and safeguard their rights and fundamental freedom. The birth of the internet and its wide use has become an indispensable tool for the realisation of a wide range of human rights and also for accelerating economic growth and development. Today, all human activities have been digitised, society no longer exists in an analogue world where the rights of humans were concerned by the laws of land. All the activities of humans have switched to online. It is a tyranny to see humans becoming slaves to technology as they progress. The advancement of technologies such as the growth of ICTs sector has yielded tremendous contributions and has benefited the masses. But on the other hand it has also brought about risks and threats that can undermine human rights and disrupt democratic values. However, the dark side of the digital world cannot be ignored. Rights of an individual are the same whether it is offline or online. Rights of an individual should not be overtaken with the mammoth progress of digital technologies. With the benefits of digitization around us, it has become essential for the individual to understand the risk, challenges, threats and the specific need of the use of technologies.

Digital tools in the wrong hands can create hurdles in handling human rights in the digital age. It can be used to spread false propaganda or misleading information leading to chaos and conflicts. As we live in a digital world our data can be accessed by anyone anywhere through various means and platforms and can be utilised for illegal purposes. In the present digital world the use of the internet, storing data and information, connectivity through

social networking sites, transactions etc has helped extensively in Artificial Intelligence and in turn has created multifold hurdles in the protection of human rights in the 21st century digital era. The escalation of digital technologies has put all of us on a treacherous platform. All the personal details, datas and information can be accessed by Artificial Intelligence without the individual's concern which is against an essential right of an individual's privacy. Privacy rights have to be given utmost importance like the importance administered to other rights like in the freedom of speech and expression . Human rights whether it's offline or online should not be diminished rather it should be protected and promoted in a much better way. Strict laws should be enforced globally for the protection of human rights in the 21st century digital world. The UN and its acclaimed agencies, the governments, various organisations and stakeholders should ensure that Artificial Intelligence and other blooming ICTs technologies are used ethically and strengthen humanity . The International courts, National courts and various tribunal bodies should reinterpret human rights so that this digital world can be fixed in human society as necessary. Law and order should be enforced in a rigid manner so that the rights of humans can be protected globally. Such stringent measures will not only protect human rights but will also help to preserve the fundamental human values . Every individual, government, organisation and agencies at every regional level should come forward together for the protection of human rights only then will it lead to the creation of a healthy society and nation in the present 21st century digital era.

Impact of digitisation on human rights

Human society has progressed to a great extent with time. We are in the midst of a massive digital transformation age where technologies are designed to improve the existence of human lives much better and better. With the advancement of technologies, it has also brought along greater risk, threats and challenges for the

peaceful existence of mankind leading to the violation of human rights. However some of the significant impact of digitalization on human rights are :

- **Promote online learning and the right to education:** With the introduction and massive use of the internet it has totally revolutionised the education system. It has enabled those individuals residing at any geographical location with or no limited access to sources for educational technological platforms to get access to unlimited knowledge. The development of various educational tools has acted as a gateways to source of knowledge and has enabled every individual the right to learn without any hindrance.
- **Digital divide:** With the spurt and advancement in technology in the digital world, it has brought digital division in the society .Not everyone in the society possesses the knowledge of technology, there are some who are skill deprived of technological sense. This is due to a variety of factors such as computer ownership, access to high speed internet, digital literacy and zero digital experience. People living in a digital world do not have the experience of what daily life is like without the existence of technologies. Such digital divide among the society leads to global inequalities and leads to situations where conflict is likely to occur leading to the disruption of human rights.
- **Disruption in the practice of human rights:** As new technologies emerge day by day it has tended to impact so many dimensions of human society . The disruptive impact of digital technology threatens and violates the practical enjoyment of human rights in the real world scenario. The impact of digitisation on human rights is subtle, pervasive and profound. In this digitisation era it is high time for the policy maker to be more holistic, practice

and promulgate practical solutions to several priorities of human rights challenges globally.

- **Violation through security:** With the rise in technologies in this 21st century era, technology has exacerbated problems from the pre digital era. Violation of human rights has been committed in the name of security and counter terrorist by so called democratic human rights respecting authorities. The present generation of the digital era has brought many significant impacts in government law enforcement, counterterrorism and surveillance . Respect for the rights and adherence to the rule of law by the government and various stakeholders even in the context of terrorist is a benchmark of strength in the promotion and protection of human rights. The government must come up with counter terrorist policies to meet the universal human rights principles and act as vocal advocates and strictly adhere to the rule of law in the digital context.
- **Sense of digital insecurity:** At present where everyone is digitally connected for their daily life activities, the linkage between the digital world and the physical world is rapidly increasing. Digital insecurity and cyber vulnerability are proving a threat and against the violation of human rights. As human society is becoming digitised, the internet and other blooming technologies are becoming the backbone of all the developments such as infrastructure, economy, education, medical etc. Various malware and viruses are on the rise and are becoming more sophisticated. Criminal hacking has become more lucrative. An individual's integrity and right to availability of digital information has come under risk . In this present inter connected digital society the ability and access to digital technologies means to cause physical and mental damage which represents a big threat to one of the most basic

human rights -right to life, liberty and security of an individual.

Investigating the human rights obstacles The progress of the society and nation has moved forward to achieve its rights and goals since the Universal Declaration of Human Rights was adopted as a common standard for all people and nations. But despite the fact that there has been numerous progress in the practise of human rights across the globe, there still exist uncountable instances of the violation of human rights. As human society progresses, the challenges of upholding human rights in the present contemporary digital world is becoming numerous. We are well aware that many obstacles hamper one's right to exercise.

One such is the exercise of nation's sovereignty safeguarding the human rights of the people. Even after years of establishment of international standards for human rights still the authority to exercise one's right of an individual is vested in the hands of the government, which in turn paves way for the establishment of new rules and norms which goes against human rights.

There is a lack of adequate mechanism to enforce strict adherence to the provision adopted during the conventions. International standards are not enforcing stringent measures to the government. There is an urgent need of the international community to press for the universal ratification of the existing covenants and conventions. Also the role of various bodies and committees such as Human Rights Commission, Commission on the Elimination of Racial Discrimination, International Criminal Jurisdiction for crime against humanity should be strengthened to monitor the implementation of human rights.

Lack of awareness of human rights among the individuals in the existing society serves as one of the key obstacles in the progress and protection of human rights. A discussion on human rights topics should be encouraged among the communities where

it will enable the individual to have a better understanding of the meaning and importance of human rights. Every citizen of the country should not only learn and know about their own fundamental duties and rights but also should know how to develop and show respect to one another for the sake of humanity and promoting the rights of humans in general.

Privacy risk in the present digital world hinders in the protection of an individual's freedom of expression. With the development in digitisation comes new challenges. There has been an increasing number of cybercrime committed which goes against the violation of human rights practice. There are revelations about global abuses of spyware targeting journalists, human rights workers, bureaucrats and diplomats leading to the violation of the right to privacy. The availability of data in the cyber world and introduction of algorithm technologies, evolution of artificial intelligence and other ICTs tools serves a serious risk and threats to the privacy of an individual's freedom of expression and liberty and to other interrelated human rights .

Other factors which serve as an obstacle in the practice of human rights are educational factors, problems of application of communication technology, decentralisation, unemployment, human and administrative factors, socio, economic and political factors as well. Though there are certain factors which influence the growth and adoption of technologies making the present age of living a digital era, it has widened the gap between the real world and the technological world. No doubt the emerging trends in technologies have enormous possibilities and potentials to provide service to mankind but come along with certain obstacles which obstruct the way of exercising an individual right leading to violation of certain human rights. There are numerous obstacles pertaining to the practice of one's right in this digitised world. With the advancement of emerging technologies, it has brought along challenges so we as a human should ensure proper utilisation of digital resources and enable an individual to exercise and enjoy his rights without any fear and risk.

Protection of human rights in the 21st century digital era

Human rights are basic necessities for humans to develop and exist in a peaceful environment by effectively participating in their equal dignity of rights. Human rights promotes a sense of understanding, gender equality and strengthening connections among all the nations. As human beings are spiritual and moral in nature their rights should be respected, preserved and protected whether it's offline or online. Every individual's dignity of rights should be cherished without any restrictions and obstacles so that every individual can live a dignified life which would make it worth living as a human being.

With the advancement of modernization and development of new digital technologies marking the present era as a 21st century digitised era it has provided a platform to bring a transformational change in human society . As society progresses towards the digitisation era, it has been impacting the lives of humans to the core. It has transformed the fundamental rights that are exercised, protected, misused and violated and also leading to the formation and recognition of new rights. In this digital age, data privacy has become an important matter of concern. It has made it possible for anyone anywhere to get access to any details, datas and information stored and misused. So, we as humans should be more aware of the risks and threats which come along with digital opportunities and protect ourselves from getting violated against our rights .

Other measures which can be undertaken for the protection of human rights in this 21st century digital era are

- **Encouraging human rights education:** All individuals and groups are born differently and they have the right to be different and exercise their rights with equality without any discrimination. In this present generation where society is transformed into a modernised technology oriented society, it is essential to emphasise on the need and importance of human rights education to the masses. Majority of people learn about human rights because they

hear through sources like the media. They should be made aware through human rights education to learn the basic principles of human rights and how it is affecting them in their daily life activities in the world they exist in. Every individual needs to know and understand the human rights principles explicitly and not just vaguely. However, the essence of human rights education and its relevance in the digitised world of today should not be confined only to the general public, but also it should be concerned to wide audiences, activists and stakeholders . For instance, we can include the power holders by rendering their support in the community as it will provide an opportunity to speak out about some human rights issues. Also, organising projects to attract audience interest can increase human rights awareness. It can be photography or art exhibition, a concert, dramas or plays or a topic of discussion on human awareness .

- **Eliminating discrimination:** Not all human beings are alike. Everyone is different in terms of age, sex, caste, colour, place of stay, language etc. Each one of us inherits different living styles, attitudes, skills, status, knowledge, ethics . Every individual regardless of their vast differences should be allowed to access digital rights in this present digitised era . As society progresses with modernization and globalisation in the present digital age, the dignity of the rights of humans should go along with it too. The access to digital rights should not be determined by the status, place ,income, ethnicity, colour, religion or to which community they belong. Digital rights of every individual should be exercised without denial on any of these grounds. Discrimination should be eliminated and various norms and policies should be implemented and enforced to combat digital discrimination and to promote every human being to get access to rights

and progress towards development of the individual, society, nation and to the world. The role of education in eliminating discrimination can be considered as one of the powerful and vital means to retain and eliminate inequality. The imparting of knowledge, ideas and skills act as a great initiative to help the people of all age groups and sections of the society immensely in prohibiting discrimination and protecting the dignity of rights.

- **Observing International Human Rights Day:** The essence of exercising one's right is of paramount importance today than ever before. It was in the year 1948, on 10th December, the United Nations General Assembly of the UN adopted the Universal Declaration of Human Rights. Since then, this day of every year is commemorated for the celebration of human rights. Today the world where we exist is a world full of challenges, a sense of insecurity, discrimination, opinions etc. With the increase of digitisation it has been inflicting the lives of humans in several aspects. Every human as they are born free deserves equal treatment regardless of the differences. They should be granted the privilege to exercise their rights whether it's offline or online. Observance of International Human Rights day promotes awareness to the individual, society, nations and to the world. It also brings peace and harmony among the citizens and helps them to eliminate the problems and complaints of the people and fight against the brutalities of the violation of human rights and ensure smooth practice of one's right.
- **Role of civil society:** In this current era of digitisation where the society has been transformed into modernised society. The role of digitisation has completely taken over the dependence of humans on each other. Civil society in

the process of safeguarding human rights plays a crucial role as they are engaged in the formulation and laying down of new policies, rules, regulations meaningfully and effectively for the development, relaxation and protection of human rights. Civil society also helps to promote the discourse of human rights that validates rights norms, particularly by involving both devalued and invisible groups. However, the role of civil society in the safeguarding of human rights, in this digitised society is immense. They act as one of the key elements in securing, protecting and promoting sustainable human rights in every nation.

- **Promoting participation:** In this digital age, as digital technologies and digital service has reached to the scale so quickly protecting the digital and other rights of humans has become crucial . The decision taken by the private authorities as well as government sector companies are affecting several rights of an individual which is totally against the violation. For example, social media has provided a platform to exercise one's right to freedom of expression and also has provided association to document rights violated. But nonetheless, it also used to violate the rights by spreading lies and hatred leading to the eruption of chaos, conflicts, violence and several other unwanted activities. Therefore, involving the citizens in the practising of rights is considered to be one of the best ways in promoting and protecting human rights. It serves as one of the important means to promote learning by participating, being consulted and also taking part in the decision making process.
- **Awareness program:** In this present world, unless the citizens are made aware about their existence of rights, it becomes difficult and challenging to protect their rights or seek redressal when any right is violated. Organising

various awareness programs contributes enormously in the protection of one's right and helps to improve democracy and leadership, enables the citizens to know their existence of rights as human beings and facilitates access to justice. Organising and spreading awareness program among the citizen increase individual understanding of knowledge and enable them to address various human rights issues which exists such as violence against women, child abuse, discrimination against the transgender, rights of inheritance of property in a family, denial of minority rights etc. Awareness programs such as introduction of literary books on human rights, debates, topics of discussion, street plays, public speeches, counselling on human rights issues and challenges, poster and art exhibition on human rights theme etc serves as an essential medium to promote awareness, tolerance, respect and help in the protection of the existence of human rights. It also helps to combat violation and intolerance for the existence of peaceful society and nations.

- **Promulgation of national laws:** The rule of the law is considered as one of the chief principles of good governance for sustaining peace and harmony among the citizens in a state. With the increasing demands and the rise of technologies in this present 21st century digital era, it has led the authority at the centre to keep a watch on the enjoyment of rights by the citizens of a country. The government should enforce strict measures to ensure adherence for the supremacy, equality, accountability and transparency in laws. Stringent laws should be enforced by the government in this present challenging digital world to prevent serious violation of human rights and make use of justice mechanisms to protect the rights of humans leading to peace, security, political stability and achieving milestones in protecting people's rights.

Conclusion

Human beings are born free and are entitled to enjoy their inherited rights equally irrespective of any biases or discrimination of his caste, religion, colour, profession, sex, age or nationality etc. Human rights are moral claims and with progress of time these claims have been translated and formulated today into legal rights and are what are termed as human rights. As society progresses we can see tremendous changes in the societal context. Our traditional society has been modernised with the progress of emerging developmental tools in the digital sector such as usage of internet, blooming of new technologies in the ICTs sector, industries, commerce, medical, education etc has taken human society and their rights to the forefront . In this present era, though technology has fostered numerous innovations marking the era as a digitised era but along with the progress brings forth several risks, threats and challenges . And as we march ahead towards the coming ages, the year ahead may unfold many more threats to the rights and dignity of human life if strict norms are not promulgate and enforced for the safeguarding of human rights.

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