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## **Disruptions in human right by technology: An analysis**

**Vinod Kumar Bagoria**

Assistant Professor, Faculty of Law, JNV University, Jodhpur, Rajasthan, India

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### **Abstract**

The development of advanced cyber and artificial intelligence has appeared as a global threat to sovereignty of nations across the globe which equally affects the citizens of the respective countries. The functioning of civil society across borders has been enhanced with the development of technologies which promotes human rights but largely widens the threats for their violations. The article looks at the ways technology disrupts human rights and potential global threats for human rights. It discusses about how much is technology good for human rights and how much good are human rights for technology. The Article concludes the variations made in international laws and institutions as to responses of technological advances made to protect human rights.

**Keywords:** technology, human rights, development, violation, sovereignty

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### **Introduction**

Digital expertise has altered the means through which human rights are looked at, exercised and dishonored across the world. The Internet generation has become a lucrative and an indispensable tool for the realization of a range of human rights, and for accelerating fiscal expansion. Across the world, plethora of recent developments have resulted in economic deregulations, failed states, cyber war, botnet attacks and threats to cyber security have emerged as posing new threats to existing international human rights law. In 2001, United Nations declared Right to internet as a basic human right. This extends the focus of how does the internet affect the physical and virtual world of human right and has become such an irresistible part of human life. To study the disruptions, it is pertinent to understand the legal relation between technology and human rights, examining whether international human rights law suffice, support and provide for concerns of human rights and to what extent to ensure the effectiveness of human rights in advanced technological times to come. It is rightly said, "*Technology is this funny thing where it's a lifeline, and then maybe it's your ticket to jail*"<sup>[1]</sup>.

### **Human Rights and Technology**

Human rights are vital rights which are minimal which an individual possess against the state or official authority having power over him. They have said to be originated 2500 years ago when an Iranian ruler named King Cyrus the Great established racial equality, freed slaves and provided rights to profess religion of choice. With the advances in human intellect and conspiracies it has grown into a much professed subject than before and without which human life cannot exist. Human rights enlarges the worth of a human, it clothes him with means necessary for basic needs such as food, shelter, water, education with equality, liberty and security. Human rights have been

protected by the Constitution of India in the form of fundamental rights and internationally by Universal Declaration of Human rights and International Covenant on Civil and Political Rights which embodies catena of rights and freedoms which belong to all of us, being fundamental in nature.

The development of Human rights due to global advances is not new and nothing in the inherited international system that would prevent any further protective measures. This era of digital connectedness has led to an increase in opportunities for conversation, collaboration, movement building, and collective shifts in social norms<sup>[2]</sup>. Ideas and information circulate more freely with revolution of global technology and information revolution. Communications devices such as telephones, laptops, computers, tablets has provided for better record-keeping<sup>[3]</sup>. With the number of internet subscribers increasing to 700 million people, free circulation have enhanced the ability of persons to inform about the rights and redresses to violations of rights to those who are unaware or are refrained from being made aware. Information technology can be easily used to apply shame to governments and enforce rights. The complexities of interplay between the technology and human rights have been under critical studies in the recent past. Human right does not only protect the person but also its property covering intellectual property, freedom of expression across boundaries, security of data, and privacy of digital surveillance.

### **Technology's impact on Human rights**

Technology widens its horizons every day, with advancement in cyber activities, digital communication, artificial intelligence and robotics, work force and employment, digital economy, new value creation and international security. The post COVID-19 times have taught us to run the new way of life and all thanks to

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<sup>1</sup> Donahoe, Eileen. 'Human Rights in the Digital Age' Just Security, December, 2014, <https://www.justsecurity.org/18651/human-rights-digital-age/>

<sup>2</sup> Cass R. Sunstein, *Social Norms and Social Roles*, 96 Colum. L. Rev. 903 (1996).

<sup>3</sup> Jamie F. Metz, *Information Technology and Human Rights*, 18 HUM. RTs. Q. 705,721-22 (1996).

the technology which has allowed working even in these difficult times, in short has defeated the pandemic. Human rights are not limited to a piece of earth now but have impacts over the places, where one person can violate rights of other person sitting across nations. Though it has proved to be dangerous, technology may also be used to enhance international monitoring through the creation, improvement, and use of more advanced transparency mechanisms<sup>[4]</sup>.

The digital communication has increased the connectivity and global coverage with aviation, travel and tourism, internet of things, space, aerospace, cities and globalization and economy and new value creations. In a context where worlds of reality are digitally connected and expanding cyber realms the society wide digital security and cyber vulnerability is biggest systematic threat. The availability of data of high security, digital infrastructure and components are click away accessible from anywhere across world is a threat. The feature of decentralization and distributed nature of internet which was originally seen as resilience is now imparting difficulty in complex global vulnerability. The cyber-attack in Ukrainian power plant is a recent example. The interconnected era of digital world with the humans have although made life refreshing, accessible and smooth though have also paved way for physical damage, threatening the most grundnorm rights such as, the Right to life, liberty and privacy of a person. Human rights actors aim to attract attention to the issues that either affect them or affect publics they represent by engaging in conversations that, increasingly, take place online. This makes sense; the amount of content and knowledge that exists on the web, reaching more than three billion people, is unprecedented<sup>[5]</sup>.

Secure data transmission poses another crucial problem as to pre-digital era such as human rights violations committed in the name of nation security, counterterrorism, controlling and suppressing freedom of press and foreign vigilance. In countries across the world agile cyber laws implemented without considering the effects that they lead to erosion of human rights. An example to above stated is United Kingdom's Investigatory power bill which legalizes mass global surveillance by authorized government agencies, which empowers them to hack phones and computers not only in their territory but extra territorial, though only in restricted parameters.

In the mist of mass media and digital transformation, the policy uncertainty to global and corporate governance, sustainable development and public finance and social protection lead to loopholes for violations of human rights. Though human rights when made were ahead of their times but with the increase in dependency on cyber technology paves numerous ways to threaten the human rights increased proportionally. Governmental measures interstate can be implemented but with the globalization some human rights are critically threatened. Respect for Private lives and protection against personal data is essential. Though it has been held that if information is voluntarily parted with by an individual, no right to privacy exists", in *Katz v. United States*<sup>[6]</sup>.

Internet as a basic right declared by the United Nations is yet not accessible to every individual in every party of world owing to the cost involved and of course the unemployment leading to poverty. The technology is causing global inequality as to lack of technology then technology itself. For all of us who live in ecology of internet it is hard to define our lives without internet and before it. Study show that globally six out of ten people are not connected to the internet, which means only 40% of world's population have access to internet and the remaining has not even encountered it yet. This is where the divide happens and widens the inequality between nations, narrowing the digital dive must be a top human right.

The Constitution of India guarantees every citizen the right to life and personal liberty under the extended version of Article 21. The Hon'ble Supreme Court, in *Justice K.S. Puttaswamy v. Union of India*<sup>[7]</sup>, ruled that privacy is a fundamental right though this right is not unbridled or absolute. The Central government exercising power under provided under Section 69 of the Information Technology Act, 2000, has the power to impose reasonable restrictions on this right and intercept, decrypt or monitor Internet traffic or electronic data if it entails a threat to security and integrity of the nation and friendly relations with other countries or to prevent incitement to commission of an offence. The Central government passed the Rules<sup>[8]</sup>, that allow the Secretary in the Home Ministry/Home Departments to authorize agencies to intercept, decrypt or monitor Internet traffic or electronic data

Growing internet means growing access, which is not only limited to adults but children of all ages. As children spend more time on the internet it is pertinent for companies to respect their rights in cyber world. Though at the same time it is pertinent for us to understand that the privacy is maintained and the same is not misused. The information technology companies are directly related to violation of human rights as the continuous access of services, data and technology by the consumers leads to sharing of the information. The relative developments in big data analytical and artificial intelligence have ability of mass information in large quantities of greater importance. These have increased the capability of medical, trade, retail and law enforcement but also harassed the credit, housing and employment creating gaps for requirements of certain skills. This unlimited access also leads a way for distortion of personal data. To deliver privacy protocols is need for the hour as Universal Declaration of Human Right for Article 12. Encryption is essential in this as it provide for protection of private conversations such as mails, voice, and messaging and cloud storage. It safeguards the privacy and security necessary for protection of freedom of opinion and expression. But when such data is required by law enforcement authorizes, it is argued that they misuse and violate human rights the data provided for surveillance. As a first step to protection of digital environment and to combat the challenges brought by digital technology, it is important to focus that human rights are multinational dimensions of virtual reality life of internet. The most delirious

<sup>4</sup> Steven D. Jamar, *The Human Right of Access to Legal Information: Using Technology to Advance Transparency and the Rule of Law*, GLOBAL JURIST Topics, Vol. 1, Issue 2, No. 6(2001), <http://www.bepress.com/gjtopics/vol1/iss2/art6>.

<sup>5</sup> United Nations Broadband Commission, *The State of Broadband: Broadband catalyzing sustainable development*, 2016.

<sup>6</sup> 389 U.S. 347 (1967)

<sup>7</sup> (2017) 10 SCC 1

<sup>8</sup> Information Technology (Procedure and Safeguards for Interception, Monitoring and Decryption of Information) Rules, 2009.

context in the modern age technology and advent of cyber terrorism is the no choice between protecting national security and providing for human rights. Strategies for the same remain in a fix as they aim for counter-terrorism or protect rights for privacy as both cannot co-exist especially with technology.

### Conclusion

Cyber security, international security, national security, personal security and human rights protection has become the heart of functioning of internet infrastructure. Reliable working of internet requires faith for global and national security. It is worth for protection of data stored and critical infrastructure to stand on strong pillars for vigilance against hacking or cyber attack. The private sectors storing information most pertinent thing is to embrace privacy of the consumers as the trust and economic conditions depends on this. With the growth of internet the connectivity expands the efforts to overcome the great divide, digital hygiene and information technology education should be packed with connectivity. Human right activist are enforcing a primacy of laws relating to human rights over other field of international law. Digital world has brought new challenges in cyber security, enjoyment of right to privacy ad access of internet, freedom of speech and expression. The test is whether governments, private companies and individuals can develop holistic policies necessary for protection of human rights and that they are used in both freedom and security. In the humble opinion of the author, the post corona era will be more of digital based and the effort of the central government is passing the Personal Data Protection Bill, 2019 is laudable as it regulates the use of personal information and also provides for penalties for misuse of the same.

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