

Reconceptualisation of human rights in the digital networked society

Abstract and Programme

Date: 13 February 13.00-17.00.

CAIS, Bochum

The event is recorded for the scientific purposes of the research.

Abstract

In the digital environment, powerful private corporations structure their interaction with individuals unilaterally. These interactions systematically impair fundamental rights of individuals. While these right violations often do not reach the threshold of actionability at the individual level, but they affect masses of persons on a daily basis.

I propose to use the term "societal rights", to designate those rights that are systematically impaired to an extent that is microscopic at the individual level. The term "societal rights" is further justified by the connectedness of the exercise of these rights: Some rights cannot be interpreted in isolation, but only in interaction with members of society: such as privacy, equality or communicative rights. The digital network makes those connections more visible than in the analogue era. The mutual impact of individual actions cannot be ignored, which calls for the systemic perspective.

If the micro violations were acknowledged as violations of individual rights they could trigger not merely policy-making but individual rights protection. However, lacking a robust theoretical and practical recognition of such societal rights, legal policies remain timid and ineffective, because they pay respect to the more tangible individual rights of corporations.

Provided that societal rights are recognised by human rights literature, their enforcement still raises questions. A) How to measure the positive obligation of the state to protect such rights? B) What is the appropriate instrument to enforce such protection and ensure those rights?

These questions are addressed during the workshop, based on the programme below.

Programme

13.00.-13.20. Welcome and introduction by Judit Bayer

13.20.-13.40. Giovanni De Gregorio (PLMJ Chair in Law and Technology at Católica Global School of Law): *The Dimensions of Digital Constitutionalism.*

13.40.-14.00. Hannah Ruschemeier (Fernuniversität Hagen) *Collective interests and digital transformation: why we need systemic solutions.*

14.00-14.20. Sandra Wachter (Oxford Internet Institute) [*The Theory of Artificial Immutability: Protecting Algorithmic Groups under Anti-Discrimination Law*](#)

14.20.-15.00. Discussion

15.00.-15.10. Break

15.10.-15.30. Bart van der Sloot (Tilburg) *Group privacy*

15.30-15.45. Discussion

15.45.-16.05. 14.00-14.20. Eugenia Siapera (University College Dublin) *Reimagining communication rights as group rights?*

16.05.-16.20. Discussion

16.20.-16.40. Paolo Cavaliere (Edinburgh): *The right to receive information as a perspective of the fight against disinformation*

16.40.-17.00. Discussion