

Defending human rights in the age of digitalization

70 years ago, on 10 December 1948, the UN General Assembly in Paris adopted the *Universal Declaration of Human Rights*. The digital revolution was then still a long way off. A resolution of the General Assembly of 18 December 2014 stated that human rights also apply online and that privacy must also be protected in the digital sphere.

In addition, we consider that an explicit recognition of several digital fundamental rights as human rights by the UN General Assembly is required in order to give them a correspondingly high priority. We are convinced that the following points should be taken into account:

1. The right to privacy, the right to informational self-determination and the equal right of participation in media information and communication are recognised as human rights.
2. Any personal observation of an individual, his behaviour, social contacts, use of the media or communication without his explicit consent shall be regarded as an unlawful interference with his private life in accordance with Article 12 and his freedom of expression and information in accordance with Article 19 of the *Universal Declaration of Human Rights*. Everyone has the right to legal protection against such surveillance, interference or impairment. When exercising the state's responsibility to protect, narrow constitutional limits must be observed. Unjustified mass surveillance is impermissible.
3. Everyone has the right to the protection of his personal data. The confidentiality and integrity of all relevant information technology systems must be ensured.
4. Everyone has the right to determine for himself the collection, use, analysis, storage, correction and deletion of personal data relating to him, unless this conflicts with civic obligations. The obligatory collection of personal data by state authorities must be limited to an essential minimum. Everyone has the right to receive information about all data and information relating to him in a reasonable time and format.
5. Everyone has the right to protect his data, information and communication against the knowledge of third parties by choosing suitable means, in particular with regard to public authorities.
6. Everyone has the right to know which algorithms, procedures, controls or criteria have become effective in automated assessments or decisions concerning him and to have them verified by a human being. Automated decisions and artificial intelligence must be taken responsibility for by natural or legal persons. They must not violate human rights or discriminate people for exercising their fundamental freedoms.
7. Everyone has the same right to non-discriminatory access to information and communication services. Access to the Internet must be a fundamental component of public services without restriction, even in times of political unrest. Network neutrality must be guaranteed.
8. Participation in public elections and votes and the exercise of other fundamental rights must not be tied to the use of digital media.

Berlin, December 10, 2018