DEMOCRACY AND SOCIETY 05.10.2017 | Kathryn McNeilly

The future of human rights

What does it mean to be human in a global, digital age?

Since the mid-20th century many have grown used to the idea of having human rights and how these can be used when those people feel they are being threatened. In particular, despite having a heritage stemming back further, contemporary understanding of these rights was largely formed in 1948. That's when the Universal Declaration of Human Rights was created. This milestone document sought to facilitate a new world order following the devastation of World War II. It declared all humans to be born free and equal. It committed states to protect rights such as those to life, to be free from torture, to work, and to an adequate standard of living.

These promises have since been cemented in international treaties, including the 1966 International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, and in regional instruments like the 1950 European Convention on Human Rights.

More recently, however, states have started to think again. In the US, the first months of Donald Trump's presidency have involved openly flouting international human rights commitments, most notably through a controversial travel ban targeting those from mainly Muslim countries and refugees.

In France, the ongoing national state of emergency in place since the Paris terror attacks of 2015 has heightened security and police powers.

In the UK, there have been calls to scrap the Human Rights Act. Ahead of Brexit, there is also significant uncertainty over what human rights protections, if any, should be retained after leaving the EU.

These developments raise important questions about what human rights are and what they should be in our changing world. Is it time to adapt them to our current reality? What should the human rights of the future look like? Our understanding of human rights, largely conceived in the 1940s-50s, is no longer tenable. We must be ready and willing to reassess what human rights are. Otherwise governments may do it for us.

Re-evaluating present rights for the future

The Universal Declaration of Human Rights, the two subsequent International Covenants and the European Convention are foundational documents perceived to lay down the cornerstone provisions of what human rights are. These lists provided a map to navigate the problems of the time. Today's context, however, is very different. As a result, these lists can no longer be viewed as sacred. They need re-evaluation for the future.

Scientific developments are changing how we relate to our bodies. We can extend human life like never before and use our bodies as commodities (such as by selling hair, blood, sperm or breast milk). In 2016, a 14-year-old girl asked for the right to cryogenically freeze her body. Such situations do not easily fit within the confines of traditional human rights provisions.

Machines are becoming increasingly intelligent, storing and using data about us and our lives. They even have the potential to infringe our cognitive liberty – our ability to control our own minds. This includes reported moves by Facebook to create a brain-computer interface which will allow users to type just by thinking. Do human rights need to protect us from the artificial intelligence we ourselves created?

The same re-evaluation can be applied within the very idea of what it is to be 'human' itself. While specific rights provision for children, women, those with disabilities, migrant workers and others has been secured over the past 70 years, the state of being 'human' should not be taken as settled. Do we need to rethink rights to address the experiences of individuals who lie outside our current frameworks of understanding in society? This might include people who identify as gender fluid or non-binary and do not regard their identity to equate to either a man or a woman.

We may also ask is it necessary to re-evaluate how we understand humanity itself? We might, for example, seek to better recognise humans as fundamentally inter-dependent on nature and their environment. As a result decontextualised human beings may not be the best, or the only, subjects of rights. This could lead to serious consideration of rights provision for entities previously considered non-human, such as the environment.

Envisaging a new Utopia

Human rights offer a way of thinking about the kind of future we want in utopian terms. This is an element which was important in their post-war foundation, and remains so.

However, this need not be a vision which is compatible with liberalism, capitalism or statism, as has been the case with human rights of the 1940s-50s. Our current human rights instruments were defined by states and uphold the right to property and to individual liberty, ideas which which complement life in liberal, capitalist settings.

Instead, human rights may be used to envisage a new utopia. This could be based on new forms of living, being and structuring society that better speak to the problems of the present. They could be used to think about a society which displaces the centrality of the state. People rather than governments could become the collective definers and gatekeepers of what human rights are and how they are protected.

Similarly, a more communal conception of human rights – furthering the idea of rights as held by humans in communities as opposed to as individuals – could help us think about forms of structuring society which go beyond the focus on the individual, which is definitive of liberal and capitalist worldviews.

This may involve placing more focus on the idea of group rights whereby human rights are held by a group as opposed to by its individual members. This concept has been employed in relation to indigenous people and cultural identity, but could be expanded further to conceptualise other issues in collective terms. For instance, we might begin to use rights to consider healthcare as collective, involving various protections and obligations held and carried out in relation to others as opposed to an individualised right to health.

Through such actions a modern utopian vision for rights can be built, based on forms of social relations which are very different to those we currently experience.

Human rights must change to become tools which stimulate critical discussion and debate in the present, helping to carve a new vision for today's future as opposed to continuing with that of the 20th century. Thought in such a way, human rights can emerge as not a thing of the past, but of the future.

This article first appeared in *The Conversation*.



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