

Universal Declaration of Digital Rights (UDDR)

Part 1

Preamble

Whereas striving to create a world where anyone anywhere, recognized in their individuality and defined by their character, may express, disseminate and receive information without fear;

Whereas striving to create a world where anyone, anywhere may express, disseminate and receive information and opinions without fear of being coerced into silence or conformity;

Whereas all states should recognise and promote universal respect for and observance of both fundamental human and digital rights in physical domain and the digital spaces environment and ensure that these rights are upheld as core elements of a free, open and representative society;

Whereas all states should recognise and promote universal respect for and observance of fundamental human rights in the digital environment and ensure that these rights are upheld as a core element of a free, open and democratic society;

Whereas it is essential to maintain the free flow of information to ensure a global and unfragmented Internet for the benefit of all and to preserve access to knowledge, development and culture, which is the common heritage of all humankind;

Concerned that attempts to limit access to information and communication on the Internet and through digital technologies for political, commercial, security or other reasons are contrary to democratic principles;

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights agreements such as the UN GP on BHR and Constitutional Rights;

Reaffirming the relevance of international human rights standards in the digital environment and the need to explore and expand new human rights guarantees for the future;

@@@Whereas Human Rights are based on an analog reality/domain that doesn't allow for modification, DS are constructed as part of the core implementation of DDs which, by their very nature, are under full control of their implementors and as such can be enforced proactively without exception.

Recognizing that the ever constant digitalization of societies has created a number of digital spaces, defined by any network of communications where citizens' data may be stored, with or without their knowledge and with or without their consent;

Recognizing that individuals in a democracy have full autonomous control over their beings;

Recognizing that while one individual may express itself differently over time, it remains the same individual as it already happens with the different digital identities managed by independent platforms;

Observing the developing nature of self-determination and digital identity as an emergent human right, necessary for the full realisation and proper enjoyment of economic opportunity, social inclusion, and cultural participation;

Acknowledging the increasing degree of responsibility situated upon individuals to administer the security of their personal identities with stakeholders across digital spaces;

Recognising that the conflicts of laws arising from competing jurisdictions in digital spaces have created confusion in the due application of the law, demonstrating conflict between societal norms and codified laws;

Recognizing that all interactions from citizens with digital spaces are performed and create data that cannot be dissociated from them, creating both digital identities and digital assets that belong to the originating source entity:

Affirming that this impossible dissociation entails the observance of Rights by all stakeholders to both the source entity and the associated representational entities;

Emphasizing the fundamental basis of identity as grounded in natural law, derived from the inherent nature of the world, independent of the roles of government and identity solution providers;

Deeply conscious of justice for all as the foundation for any society, where harmonization of the rule of law in digital spaces is central to addressing the trust deficit between governments and citizens;

Acknowledging that all individuals have agency to develop the normative behavior governing relationships affecting the well-being of societies, and to direct measures which rebuild trust in the rule of law in digital spaces and foster a new digital trust among digital stakeholders;

Concerned that attempts to control and exploit access to identity information through digital technologies for political, commercial, security or other reasons are contrary to democratic principles;

Deeply concerned by measures aiming to, or that intentionally prevent or disrupt access to an individual's personal information in violation of human rights law;

Reaffirming the relevance of international human rights standards in the digital environment and the need to explore and expand upon novel human rights guarantees for the future;

Now, therefore we proclaim THIS UNIVERSAL DECLARATION OF DIGITAL RIGHTS as a common standard of digital identity and data management for all, to the end that every individual and every institution of society, keeping this Declaration constantly in mind, shall strive to promote respect for these rights and freedoms, by progressive national and international measures, to secure their universal recognition and observance in all countries of the world.

We therefore now proclaim THIS UNIVERSAL DECLARATION OF DIGITAL RIGHTS as a common standard of digital freedoms for all, to the end that every individual and every institution of society, keeping this Declaration constantly in mind, shall strive to promote respect for these rights and, by progressive national and international measures, to secure their universal and effective recognition and observance in all countries of the world.

Article 1 – Right to Digital Identities and Duty to Protect It

All human beings, free and equal in dignity and rights, are entitled with the right to secure, independent, and trusted digital identities. It is the duty of the holder to maintain the security and confidentiality of such, and to use them in accordance with the law.

Article 2 – Inalienable Right to Digital identities

No one shall be deprived of the right to digital identities under any circumstances. Everyone has the right to equal access to public services in the attaining of digital identities in their country, including the right of receipt upon birth and the right to register thereafter.

Right to survival

Article 3 – Right to Interoperable and Portable Digital identities

(1) No one shall be restricted from the free movement of their digital identities data across different entities, nor within the bounds of an entity.

(2) Absent the individual's approval, no one shall have her or his digital identities subjected to unsanctioned destruction, manipulation, or transfer.

(3) No one shall be deprived of the right to persistent digital identities.

Article 4 – Right to Digital Self-Determination

Everyone shall have the right to control their digital identities; including the freedom to access information, the right to be informed on decisions affecting their digital identities, and the right to withdraw consent to any external actors in their use or alteration of the identity owner's information.

Article 5 - Right to Political Participation

No one shall be prevented from taking part in the political society of her or his country through the adverse use of, or restriction of access to, a digital identity.

Article 6 – Right to Privacy

No one shall be subjected to arbitrary interference with privacy; all are entitled to recognition everywhere as persons before the law, and to protection against interference or attacks upon their digital identity.

Article 7 – Right to Access Opportunities

Everyone has the right to equal access to public services through the attainment and use of their digital identity, including medical, education, and financial assistance. No one shall be limited in her or his right to equal opportunity for economic, social and cultural participation.

Article 8 – Right to Recourse Judgement of a Machine

No one shall have her or his digital identities subject to judgement through automated processes by their government, absent of direct human involvement.

Article 9 - Right to Delegation & Guardianship

Everyone has the right to freely delegate the management aspects of their digital identities to others, including the right to designate a guardian for the responsibility of an individual's digital identity management.

Article 10 - Right to Transparency

Everyone has the right to direct the use of the attributes of their digital identities by others, both in how they function, and how they are managed and updated.

Article - Rights by Design

All these to be part of the architecture of infrastructures, products and services in compliance with the applicable regulations.

Article 11 – Salvatory Clause

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

General Comments to the Universal Declaration of Digital Identity

1. Preamble - Digital space needs to be defined
 - Individual “management” of identity might need to be defined/spec'd as a duty or obligation, as well as the boundaries of its delegability or what a govt is entitled to do if that obligation is not met
2. Article 1
 - Authority flows from civil society
 - Identity and digital identity need to be defined
 - The origins of identity - internal and external origins
 - What is a [“Trusted digital identity”](#)
 - Jeff referred to some relevant, canonical bibliography here that he could share on legal definitions of “trusted” (from which tradition?)
 - Digital persona/e, removes it from the realm of states
 - “identity” alludes to identification
 - We will act a certain way concerning the persona
 - Social contract
 - Anecdote from Kaliya of what the US government meant by “trusted ID” in the context of a research project: strongly proofed, relevant to government issued paperwork
 - Limited liability identity
 - Revocable anonymity
3. Article 2 - Having the right to a state-issued identifier
 - To Kaliya's point about demanding something less unidirectional than Adhaar, would this be where to specify what rights each citizen SHOULD or MUST have over that identifier (reclusivity, correlation-protection, leakage-protection, etc)
4. Article 3
 - Meaning of “permanent” digital identity - Fluid or Immutable?
 - Integrating the idea of a fluid digital identity
 - Unaffected by the passage of time and resistant to social, economic, cultural, or political changes.
5. Article 4 - Right to control data, separate from reliance on the state as the sole and final determinant.
6. Article 6 - Need to detail the right to reclusivity.
 - Reference the GDPR and right to be forgotten
 - How to balance the right to privacy and the right to be forgotten, versus the need for permanence in digital identities
 - SSI Minimization
7. Article 7 - Distinguishing the characteristics of digital documents
 - Do they consist of:
 - A) "an identity (document)"
 - B) that is digital and "a number," and
 - C) assigned from a central state entity?
8. Article 8 - Preventing the right to “judgement” a machine relates solely to the use of machine processes in relation to digital identities by the government in judicial and

administrative affairs, and does not exclude the ability of private companies to render such judgements based on your digital identity?

9. Article 10 - Right to Transparency

- The need to understand the use of one's digital identities by others concerns
 - Service provider must be clear as to how they will use their data
 - The right to know code underlying digital identity system
 - Algorithm should be open source and involve public consultation
- The is important:
 - a) For legal certainty;
 - b) Where the law must be definite and clear
 - c) Where transparency creates trust, trust creates social contract

“How is this declaration different? Basis within fundamental human rights”

The intent of this Declaration is to deconstruct the elements which comprise digital identity to its most fundamental elements - to generate discussion across the wider community, to serve as a central unifying point for collective discussion, and to enable its universal application and adoption by all stakeholders.

Any additional technical or policy aspects may be further detailed within the issuance of a General Comment. A [general comment](#) is a treaty body's interpretation of human rights treaty provisions, thematic issues or its methods of work. General comments often seek to clarify the reporting duties of State parties with respect to certain provisions and suggest approaches to implementing treaty provisions.

- Why do we need such a [declaration](#)?

An aspirational and political document can be expressed in abstract and unqualified terms. It is intended to set an agenda for political debate, to provide a standard for political criticism of institutions and officials.

A Declaration performs the valuable function of telling politicians, officials, lawyers and the people at large that these were important questions which needed to be considered and debated. It provides a recognised standard against which governments may be criticised and are effectively criticised by other governments and international organisations.

For that purpose, it did not matter that there might be differences of opinion over moral relativism - where it is argued that the limited set of experiences do not in fact represent all people and all societies. Human rights entail both rights and obligations, with states assuming obligations and duties under international law to respect, to protect, and to fulfil human rights.

- These rights are [universal](#)

All people everywhere in the world are entitled to them. Speaking to our common humanity, these rights draw their principles and values from many diverse traditions, and are made robust through a uniform codification. At the level of abstraction specified under this declaration, human rights may be universal. The need for universal implementation is in the best interests of all peoples.

The concept of universality touches upon universal adherence to international human rights standards, the global geographic coverage of human rights monitoring mechanisms, equal weight being given to each of the rights recognized in the declaration, and the adoption of substantive protection mechanisms for internationally-agreed human rights at the national level.

- These rights are [inherent](#)

These rights are attached to each and every individual human being from their moment of existence, as values tied to the very concept of humanity. The attachment of such rights from the outset creates the basis for a new social contract, one in which the state bears the duty and obligation to fulfill the basic needs of its citizens.

Denying the inherent nature of human rights and their metaphysical nature, and removing the concepts of the Declaration from their historical and philosophical context, creates an unnecessary and potentially dangerous political fog within which such abuses are allowed to continue.

- These rights are [inalienable](#)
Such rights cannot be taken away or given away, and any attempt to do so would be morally unconscionable and inexcusable - depriving people of their basic rights and needs pertinent to their enjoyment of their highest attainable standard of existence.

It is not possible to rescind the application of such rights by governments in times of crisis or national emergency. This is because the inherent dignity that we harbour as human beings, which entitles us to these rights, is also inalienable. Such rights continue all the way up to our death.

- These rights are derived from the common ideals of [dignity](#)
The idea of dignity is fundamental to how we regard ourselves. It's something that connects people from all kinds of cultures and beliefs, and which has ultimately led to the universal recognition that we need to protect and realise this dignity for each and every person.

The very essence of the Convention is derived from a deep-seated respect for human dignity and human freedom. Dignity represents a unifying value, regardless of religious beliefs, it is a qualifier which establishes a basic standard to which everyone can strive.

Dignity means that certain acts are prohibited because we want to "[protect both the dignity and the physical and mental integrity of the individual](#)." In this sense, dignity is something we hold that we want to protect from destruction.

- These rights are derived from the common ideals of [equality](#)
Everyone has the same rights and deserves the same level of respect. The general principle of equality and non-discrimination is a fundamental element of international human rights law - which seeks to avoid distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.

[All persons](#), institutions and entities, public and private, including the State itself, are accountable to just, fair and equitable laws and are entitled without any discrimination to equal protection of the law.

Equal enjoyment of the rights herein promotes inclusivity, creates a framework for enforcement, and advances the overall objective and effective implementation of the declaration.

- These rights are [indivisible](#)
These rights are interdependent and interrelated, where the deprivation of one right adversely affects the others, and it is not possible to simply follow some human rights principles and disregard others.

All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights,

The vision of a comprehensive human rights system was built on the understanding that, in order to guarantee the dignity of the human person, all human rights should be reached. In this way, an integral human rights system concerning digital rights is established where the violation of one of them damages the achievement of the others.

Sources

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Contextual information

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How to draft a declaration

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