

Ethical path for human rights protection in the digital society

Yuwei Wang^{1,*}, Huiwen Wang¹, and Zhaobin Pei¹

¹School of Marine Law and Humanities, Dalian Ocean University, Liaoning, Dalian, China

Abstract. In the digital age, digital survival has become an important part of the basic way of life, and produced a series of digital situation related human rights protection requirements, including equal use of digital technology without discrimination, from the use of digital technology, from the use of digital technology manipulation of people, as well as the personal digital information and property autonomy, etc. In the face of increasingly professional and strong control of digital technology, the digital age of human rights protection not only need the government to establish regulation digital technology development and application of laws and regulations, establish professional relief agencies to regulate data companies and online social platform, provide effective relief to help digital vulnerable groups, and requires the development and use of digital technology and network social platform to strengthen self-discipline, and establish everyone must abide by the digital technology application ethics.

1 The digital survival status quo of contemporary people

The digital information revolution represented by artificial intelligence accelerates the generation of digital and intelligent world. Digital payment, digital consumption, digital production, digital labor and digital sharing have become the basic survival contents of modern people. Intelligent technology, digital information, data platforms and other contents have wandered around the world and become unsubstantiated ghosts that are difficult to grasp. Only by grasping the essence of digital existence can we solve the mystery of ghosts in the modern world. Digital survival has increasingly become the mainstream of modern lifestyles, constantly occupying and adsorbing any groups that come into contact with it, and bringing the latter into their own control. Smart cities, smart cities, smart countries, and smart worlds are all focusing on the functional content of mobile Internet technology, big data analytic, digital computing, and intelligent logic, siphoning humans into the digital age. Digital Survival Becomes the Inevitable Way of Human Survival.[1]

1.1 The way that digitization exists in our daily life

The first is the wide extent of the digital technology application field. In contemporary times, digital technology has been widely used in various fields, not only the industrial manufacturing field has been widely used in the production process, but also in the economic and trade, social exchanges, political process, government governance, cultural fields are also widely used in digital technology. The second is the prevalence

of digital technology. From the rapid development and widespread application of computer and mobile phone, the two most important carriers of digitization, we can see that digital technology has become a widely accepted work and life tool of contemporary people. Computers, starting out as tools used by enterprises or departments specializing in computing work, have now become a tool that almost everyone must use skillfully in their work. Thirdly, the depth of digital technology into production activities and daily life. The strength of contemporary people's dependence on the Internet can reflect the penetration depth of digital technology into human daily production and life. At the beginning of the invention of the Internet, searching and conveying information on the Internet was only the way of professionally trained technology workers worked. With the rapid development of the Internet, the network communication is constantly "eroding" the space and time of face-to-face communication. [2]

1.2 Digital technology has an impact on the development of human rights

With the wide application, universal acceptance, deep penetration and life dominance of digital technology, digital survival is becoming an integral part of the basic way of human life. It means that working and living in the way required by digital technology is no longer a lifestyle that individuals can freely choose from, but a lifestyle that they have no choice but to adopt and adapt to. In this sense, the various requirements and constraints put forward by digital technology on people's work and life have become the basic conditions for people's survival and development, thus having a profound

* Corresponding author: 1013944941@qq.com

constructive or disruptive impact on people's survival and development.[3]

In fact, digital technology is not separated from the foundation of the industrialization era, but only a new stage of the development of the industrialization era. The reason why it is a new stage is that the current development is still on the basis of industrialization, and people use information technology to improve their own lives. Digitization is essentially the intelligent operation mode of industrial technology. Through digital technology, various industrial technologies can work more accurately, more widely and more fully. It is the same as the stages of electrification and automation in the industrial era, which belongs to the industrial era. It is only another new stage of its development, and then there may be a new development stage. This means that industrialization is still the basic way of human life, and digitization is just a new pattern of this way of life. From the perspective of human rights research, this means that the human rights issues of industrialization are still the main human rights issues of our era; on the other hand, it also means that after entering the digital stage of the industrial era, it will be presented in a new form of digitization, which requires careful attention and in-depth study by human rights researchers.[4]

1.3 Digital digital technology issues and human rights on the digital technology

With the increasingly widespread application of digital technologies such as the Internet, big data, the Internet of Things, and artificial intelligence in social life, new human rights issues arising from the digital era have also received more and more attention and begun to form a more in-depth discussion. Scholars have a broad consensus on some new human rights issues in the digital age, but there are great differences and debates on whether the new human rights category corresponding to the digital age should be put forward, the inter-generational attributes of this new human rights category, and the objective basis on which this new human rights category depends. A group of scholars believed that a new type of human rights corresponding to the digital age should be proposed and named 'digital human rights', believing that it was the fourth generation of human rights different from the previous three generations of human rights and based on the emergence of bio-data dual personality. Liu Zhiqiang pointed out in a tit-for-tat manner that the so-called 'digital human rights' cannot be created as human rights. Can not become the so-called 'fourth generation of human rights' representatives.

2 Digital Threats to Human right

Digital survival has become an important part of the basic way of life of contemporary people, and a series of rights issues generated by it have also entered the vision of human rights research to some extent. The purpose of using digital technology is to enable people to control and use nature more effectively and realize human

freedom and development. However, when digital technology is also used to study and control human behaviors, it may in turn become a tool to bind, use and manipulate people, and make people lose their real freedom and cannot achieve free and comprehensive development. [5]

2.1 Digital inequality and digital discrimination

In terms of the utilization of digital subjects, with the wide application and popularization of digital technology, more and more social members have become the utilization subjects of digital technology. Digital technology provides its users with more efficient tools to realize their own development, and at the same time widens the gap between digital technology users and non-users in the development conditions, and forms a new "digital divide". Digital divide is a new manifestation of the gap between rich and poor in the industrial era in the digital stage. It exists between those who have the ability and conditions to use digital technology and those who lack the necessary ability and conditions to use digital technology. It not only forms a new gap between the rich and the poor, but also creates a new gap in the basic survival and development, forming a new inequality under the digital living conditions. The inequality brought by the application of digital technology is not only between the users of the digital technology, but also between the controllers of the data and the general public who use the data. The Internet seems to have erased the gap between information, but the individuals or institutions that have the right to speak and traffic of the network have reconstructed a new form of information inequality. Data controllers take advantage of gaps in information, data and power to create digital discrimination. Some companies will discriminate against specific groups through secretive algorithms. In their analysis of the algorithms, Zarachi and Stuker pointed out: "With the help of the algorithms, companies can bypass these anti-discrimination constraints and group specific groups. By automating the process of development and improved grouping, the algorithm divides together people of a specific race, marital status, age, sexual orientation, and religious beliefs. Inequalities in the real world reproduce in the algorithm and return into the real world. AI systems fail to capture the complexity of human experience and needs. Digital systems and artificial intelligence create centers of power, while unregulated power centers always pose risks, including threats to human rights.[6]

2.2 Digital monitoring and digital control

The application object of digital technology includes not only various natural phenomena, but also various social phenomena. When people's behaviours and even people themselves become the application object of digital technology, individual choices and behaviours may be controlled by the users of digital technology. Big data and artificial intelligence have the potential to create a ubiquitous digital environment that allows the state and

businesses to monitor, analyse, predict and even manipulate people's behaviors to an unprecedented degree. While it is undeniable that data-driven technologies can be used for very beneficial purposes, these technological developments, if not carefully managed, may overall pose great risks to human dignity, autonomy and privacy, and the exercise of human rights. The large-scale collection of personal data poses a range of potential threats to human freedom and development. These data could be abused. Industrial and commercial enterprises to collect and use various data related to personal life, personal computers, smartphones, smart watches, fitness trackers and other wearable devices constantly collect lots of data flow related to billions of people, installed in smart homes and smart city in other connected devices and sensors are also collecting more data. This information is collected and used across a wide range, with both device identifiers, email addresses, and phone numbers, and biometric features, health and financial data, and behavioral patterns. [7] Many people may be completely unaware of who is holding their data and wonder how it will be used. The scale of the data available is huge, and the risk and impact of data abuse will increase. The large-scale collection of personal data can enable the data controllers to form a more accurate prediction of personal behaviors, and take targeted response behaviors, forming the power inequality between the data monitors and the monitored ones. The rise of big data technology has produced a further centralized effect, allowing big data controllers to use their personal data secretly and uncontrolled, while ordinary citizens have little power to resist. The existing legal system is not enough to protect citizens from the abuse of power by the data controllers, because it is impersonal, diffuse, and presented in the form of mathematical laws.[8]

2.3 Digital violence and digital exploitation

In terms of the way of digital utilization, we see that digital technology not only provides unprecedented convenience for people's life, study and development, but also provides available technical conditions for "human flesh search", "network violence" and other activities that can damage the sanctity of individual. "Human flesh search" makes the privacy of individuals exposed to the world and seriously violates the privacy of individuals. "Network violence" will lead to individual "social death" and seriously violate the individual right of reputation and personal dignity. These digital violence are violations of human rights, and more attention needs to be paid to the issue of digital violence. Digital violence needs some better laws, and caber perpetrators need to be punished by the law.

At the same time, digital technology has led to the rapid economic development of various platforms, and the number of new employment forms of workers, such as online delivery workers, online ride-hailing drivers, online delivery truck drivers, and Internet marketers, has increased significantly. Due to the platform of employment form and new employment form labourer

employment is relatively flexible, a large number of new employment form workers to directly confirm the labour relationship with the enterprise, difficult to simply into the current labour law adjustment, its economic and social rights and interests cannot be guaranteed, formed the digital age of labourer new way of exploitation.

3 New requirements for human rights protection in the digital context

3.1 The use subject of digital technology

In terms of the main body of the use of digital technology, it is necessary to ensure that everyone has equal opportunities and conditions to use digital technology, and will not be discriminated and excluded due to the application capabilities and conditions of digital technology. This is a further extension of the protection requirements of the 'right to equality and non-discrimination'. It involves equal access to conditions and opportunities for the use of digital technologies for children in compulsory education, and the protection of 'digitally vulnerable groups' such as ethnic minorities, older persons, persons with disabilities, and persons with lower educational levels from discrimination and unfair treatment in access to public services due to lack of capacity and conditions for the use of digital technologies. The rights of these subjects should be given special protection in the digital age [9].

3.2 The application object of digital technology

In terms of the application object of digital technology, everyone needs to be guaranteed from the passive manipulation of digital technology. This is a further extension of the traditional civil freedom and political rights. Using digital technology to study and analyse human behaviors is the field that digital technology will inevitably enter. But because the object involved is the people themselves, so there must be constraints and restrictions. The study of individual behaviour can be digitized only if the public interest of all social members is involved and if the subject is informed by explicit notification. However, if it is only for the purpose of corporate profit or some hidden purpose, through monitoring and manipulating the behaviors of digital technology, and without necessary notification of the monitored and manipulated, it will constitute a serious damage to the dignity of the monitored and manipulated individuals. The state must pass legislation to impose strict restrictions on the application mode of using digital technology to monitor people, and punish the activities of manipulating people by using digital technology according to law. [10]

3.3 Utilization of Digital Technology

In terms of the use of digital technology, need to protect everyone from human flesh search, network violence, network fraud, network peeping network means such as

threat and infringement, banned in the case without my knowledge and consent by digital technology to obtain personal information and public or sales profit, ban platform operators disguised cut platform workers shall enjoy the rights and interests. This is a further extension of the traditional personal rights and economic and social rights in the protection requirements. It requires the state to establish regulations on the restriction of digital technology use through laws and regulations, and to take timely and effective relief measures to protect the victims. We should also protect everyone, the people of every country and all humanity from intimidation, threats and destruction by digital technology. This is a further extension of the right of peace. It requires the international community to give clear norms to the development and utilization of digital technology, and strictly prohibit the use of digital technology in various activities to destroy human beings.

3.4 The achievements and benefits of digital technology

In terms of the results and benefits generated by the use of digital technology, it is necessary to ensure that each person has the ownership and control of their digital information and digital property. Digital information about the individual shall not be used for commercial or other purposes without my consent; the digital property owned by the individual shall not be arbitrarily deprived or seized. This is the extension of the traditional personality rights and property rights in the protection requirements.

4 Digital transformation of human rights protection methods

In order to cope with the new challenges and new requirements of human rights protection in the digital age, it is necessary to strengthen the protection of human rights in the application of digital technology. However, due to the rapid development and increasingly complex development of digital technology and the more technical violation of human rights, the protection of human rights in the digital era also needs to adopt a more "digital" approach accordingly.

4.1 Formulate laws and regulations regulating the application of digital technology

It is necessary to formulate special laws and regulations for the application of digital technology, so that its functions to benefit mankind can be fully developed, and to restrain and restrict the possible threats in the realization of human rights. In order to ensure the minimum protection of personal data, legislation should be adopted to ensure the fairness, legality and transparency of personal data processing, and the individuals whose data is processed must be informed of the data processing, the environment, characteristics and scope of the processing. In order to prevent personal information from being used arbitrarily, the processing

of personal data should be based on the free, specific, informed and explicit consent of the parties, or for other legal reasons as prescribed by law. Personal data processing should be based on the necessary principles and commensurate with the legitimate purpose of the data processing. The number and type and retention period of data should be limited, and anonymous and pseudonymous techniques should be used as far as possible. Changes in the purpose of data processing without the consent of the parties should be avoided and, if required, should be limited to purposes consistent with the purpose originally stated. Full security measures must be taken for personal data, and sensitive data should enjoy particularly high levels of protection.

4.2 Establish professional relief agencies

The infringement mode in the digital age has a more complex technical cover. With the increasingly digital and information application of human production, life and daily communication, the ways and means of human rights violations have become more technical and automated. Although data collection and mining, modeling algorithms, software embedding and other technologies show more "neutrality", "objectivity" and "progress" of technology, under the cloak of this "objectivity", the facts that human rights such as freedom and equality, personal dignity, personal privacy, independent choice, education and employment are often concealed. At this time, both the government and the public are "laymen" in these advanced technologies, which increases the cost and difficulty of the country to protect human rights. In the face of the increasingly professional and powerful digital technology, the protection of human rights in the digital era requires not only more the active actions and self-restraint of the government, but also more needs the highly specialized relief agencies, relief mechanisms and relief means. The state shall establish independent supervisory agencies for individual data processing. These institutions are vital to protecting the human rights of individuals and preventing the practice of excessive processing of personal data. The supervisory body needs a statutory status in order to clarify its task, power, and independence. The necessary technical, financial and human resources should be provided to effectively monitor data processing activities in national and industrial and commercial enterprises and implement legal requirements in this regard. Moreover, these agencies need to have sufficient legal authority to perform their functions, including proportionate sanctions for acts violating or trampling on privacy rights.

4.3 Self-restraint and industry self-discipline of enterprises and online social networking platforms

Companies that control and use digital technologies have a special responsibility to prevent human rights violations by these digital technologies. Businesses

should disclose information about the use of digital technology, including what personal data is collected, how long the data is stored, for what purpose, how it is used, who to share it with, and under what circumstances. When industrial and commercial enterprises determine that they cause or aggravate adverse human rights effects, they should remedy them through legal procedures, or give cooperation on remedial issues. In addition to corporate responsibility, a more important subject in the digital age is the owner of social power represented by the platform. One of the prominent characteristics of new forms of digital economy is decentralized and centralized again, in personal privacy, freedom and equality, social fairness, labor and employment threat to human rights, is not just the state and the government, most of the time is the exercise of "quasi legislative power" "quasi executive power" "quasi jurisdiction" technology companies and business platform, so need the social power to assume the necessary self-discipline responsibility and avoid violations of human rights obligations. The huge concentration of power in the hands of the huge social media platforms has had a disturbing impact. Although these platforms seek to improve content moderation, many of their practices still raise serious concern, which in some cases could undermine diversity and increase inequality and discrimination. In order to make the relevant enterprises and social platforms assume the responsibility of human rights protection, on the one hand, the enterprises that control and use digital technology should strengthen self-restraint; on the other hand, the relevant industry associations or industry organizations should strengthen the self-regulation within the industry and give full play to the technical advantages of horizontal mutual supervision.

4.4 Construct the application ethics of digital technology, which everyone must follow

In the digital age, digital survival has become a common way of life, which also means that everyone may have an impact on the rights of others in the process of using digital technology. Therefore, it is necessary to establish the ethics of digital technology application that everyone must abide by, restrain the way that everyone uses digital technology, and ensure the respect for the human rights of others. There is a particular need to advocate for "the application of the human rights framework in the digital space" and "to advocate for the promotion and protection of human rights in the digital space". In short, the application of digital technology will not only bring more welfare to human beings, but also pose a certain threat to human dignity. In order to make the digital survival of people in the digital era more conducive to people's survival, freedom and development, it is necessary to adhere to the constitutional principle of respecting and protecting human rights in the application and regulation of digital technology.

5 Conclusion

Historically, the Western constitutional movement originated from a series of human societies formed during the Enlightenment. The constitution is the intuitive embodiment and external expression of this value spectrum at the normative level. The concept of human rights emphasizes the value spirit of recognizing, respecting, affirming, caring and guaranteeing human beings. At the same time, it also reflects the ethnic identity between human beings and the recognition of human subjectivity. The root of the concept of human rights lies in the concept of 'empathy civilization'. At the same time, human rights are not only a concept, but also an ideal that human beings are pursuing. The protection and respect for human rights is always only a vivid interpretation of this human rights trait. As a kind of value and idea, human rights is like a benchmark, which marks the degree of civilization in the normative context of human social life and politics and the degree of civilization that should be achieved in the future.

References

1. The "Fourth Generation of Human Rights" and Their Protection in the Background of a Smart Society, Chinese Law, No.5, (2019)
2. Ma Changshan, The Situation of Human Rights Protection in the Digital Age and its Response, SeekNo.4, (2020)
3. Ma Changshan, "Confirmation and Protection of" Digital Human Rights ", Beijing Daily, 014, (January 6, 2020)
4. Zhang Wenxian, "No numbers, no human rights", Beijing Daily, page 15, (September 2, 2019)
5. Liu Zhiqiang: "On" Digital Human Rights "does not constitute the fourth Generation of Human Rights", Legal Studies, (No.1,2021)
6. Gong Xianghe, The "Digital Property" of People and its Legal Guarantee, Journal of East China University of Political Science and Law, no. 3, (2021)
7. Lin Zhe, On Human Nature, Humanitarianism and Human Rights, Jurists, No.6, (2006)
8. Gu Xiuwen. Embedding of human rights for the protection of digital vulnerable groups in the elderly: Theoretical mechanism and construction direction. Journal of Sichuan University of Administration (2022)
9. Wang Jingjing. From private legal rights to digital human rights —— the digital protection of people jumped [J]. Journal of Xinjiang University (Philosophy and Social Sciences edition), (2022)
10. Ma Chunjuan, Zhang Fuqi. Human rights protection and governance under the background of China's digital age [J]. Social Science dynamics, (2022)