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Using a Human Rights Framework for Regulating the Internet of Things: The Critical Role of Human Rights Advocacy

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Going Against the Grain

University of Dayton Human Rights Center
Social Practice of Human Rights Conference, Oct. 1-4, 2019

Using a Human Rights Framework for Regulating the Internet of Things: The Critical Role of Human Rights Advocacy

Presented by:

Adam Todd, *University of Dayton*

Session: Tech and “Human” Rights

Abstract:

The Internet of Things (IoT) refers to the billions of technical devices around the globe that connect to and communicate through the Internet. These devices collect, store and share vast amounts of valuable data. With the advent of 5G (fifth generation cellular network technology), IoT is expected to grow even more dramatically over the coming decade and likely to change our lives in ways we have yet to imagine.

IoT holds the promise of advancing human rights by facilitating the technology that can lead to a healthier, cleaner, and more sustainable environment, and greater access to education, better healthcare, capital, financial services and markets. However, these benefits are potentially at the peril to “first and second generation” human rights. The concern for human rights abuses of IoT technologies makes the need for comprehensive regulation an urgent national and international priority.

This paper surveys the current approaches being taken (and those suggested) for regulating the IoT and assesses how, if at all, human rights (and human rights norms) are explicitly being taken into consideration. The presentation would build off and update surveys already done examining efforts to draft an “Internet bill of rights” and other efforts to provide comprehensive IoT regulation. For example, The Internet of Things (IoT) Cybersecurity Improvement Act of 2017, S. 1691, 115th Cong. (2017), is a bill that seeks to improve the security of Internet-connected devices. Its language, even in its prefatory statements, is devoid of references to human rights. The bill itself, however, authorizes the National Institute of Standards and Technology (NIST) to set standards under the bill. Interestingly, NIST does consider human rights in its determination of standards.

Institutions like NIST and its counterparts like the European Telecommunications Standards Institute and the China National Institute of Standardization as well as the International Standards Organization are important players in the “constitutionalization” of the Internet and the regulation of IoT. Their explicit and implicit incorporation of human rights discourse in the development of national and international standards appear to establish obligations and limitations on international, national, and private actors involved in Internet platforms. These

standards comport with the development of an “Internet Bill of Rights” championed by human rights and other civil society organizations.

Anti-globalist and deregulation movements as well as the fragmentation of Internet governance provides challenges to legally binding IoT regulation. However, the frame of human rights provides a common language that can guide effective IoT regulation and provide legitimacy for international Internet governance that can promote human rights norms. By examining the standard-setting organizations and their nascent standards regarding IoT, it is apparent that human rights advocates have and continue to provide a key role in the regulation of the Internet of Things.

Presenter information:

Adam G. Todd is Professor of Lawyering Skills, Coordinator of Human Rights Programs at University of Dayton School of Law, and a University of Dayton Human Rights Center Research Fellow. He teaches legal writing, torts, international human rights, and a variety of other courses including seminars in law and technology. He is a former legal services attorney and continues to have an interest and dedication to public interest law and social justice. His research interests include the areas of postmodern legal theory, human rights, legal writing and rhetoric, and tort law.