



The International Covenants at 60: Boundaries of 'the Human' in Human Rights

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Abstracts

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Abstracts

Aggarwal, Abhilash and Mehvish Mehraj: From ICCPR to the Internet Graveyard: Reimagining Human Rights at the Digital Afterlife Frontier

The December 2024 Jeju Air Crash exposed a profound legal vacuum when bereaved families were denied access to the victims' digital remains as South Korean law lacked a post-mortem data framework, illustrating that biological death no longer marks the terminus of digital personhood. 60 years after the adoption of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, Artificial Intelligence, Biometric Profiling, and Automated decision-making compel a reassessment of the Covenants, assuming 'the human' explicitly as a living, natural person. This study seeks to understand whether the values of dignity, privacy and family life underlying the Twin Covenants generate a state obligation to protect digital remnants after death and what constitutional architecture should govern this 'digital afterlife'. While neither covenant explicitly extends rights beyond biological life, the Human Rights Committee's General Comment No. 36 on ICCPR article 6, interpreted with articles 17 and 23, protects an intimate sphere that heirs seek to preserve through digital remains, while ICESCR article 15 frames post-mortem digital content as inheritable cultural heritage. Drawing on a comparative constitutional analysis of understudied jurisdictions of India, Singapore, Colombia, Africa and Germany, this study examines how legal traditions delimit 'the human' when the subject is biologically dead yet algorithmically persistent. It juxtaposes dignity-based frameworks resisting the commercialisation of deceased identity with the property-based inheritance model. The study argues for a "Digital Dignity Continuum" under the covenants, not full rights-bearing statutes for the deceased, but a state obligation to prevent non-consensual AI resurrection, arbitrary platform deletion, and extractive data mining. Centering India while integrating African and Latin American perspectives absent from digital death scholarship, demonstrating how the Covenants universalist aspirations must evolve to accommodate relational, collective and technologically mediated understandings of human personhood.

Keywords: Digital Afterlife, AI resurrection, Indigenous Data Sovereignty, Human Rights, Digital Personhood, Post-mortem Digital Dignity, Comparative Constitutional Law

Aksünger, Selman: Climate Displaced Peoples under the Twin Covenants: Indigenous Peoples within the Collective Subject of Article 1(2)

The Twin Covenants protect individuals, with one exception. Common Article 1 attributes the right of self-determination, including the right to freely dispose of natural wealth and resources, to 'all peoples'. This paper examines how 'peoples' in Article 1(2) operates beyond individualised rights holders to encompass distinct communities defined by shared characteristics, territorial connections and collective economic lives, and where Indigenous peoples stand within that category. The question arises because sea level rise brings statehood and peoplehood into play at the same time. The populations of low lying island States are peoples in the sense of Article 1, and many of them are also Indigenous to their islands. If territory becomes uninhabitable or members of these communities are displaced, the protection they receive under the Covenants depends on how these categories relate to each other. The paper first sets out the practice of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on Indigenous peoples under Article 1 of both Covenants and Article 27 ICCPR. It then identifies the protection the Covenants provide to Indigenous peoples facing climate displacement: the right to dispose of natural

resources and not to be deprived of means of subsistence, the right to life and the related non-refoulement obligation addressed in *Teitiota v New Zealand*, the rights to culture and to private life, family and home applied in *Billy v Australia*, and the rights to an adequate standard of living, health and cultural life under the ICESCR.

Keywords: peoples, Indigenous peoples, Article 1 ICCPR and ICESCR, Article 27 ICCPR, sea level rise, climate displacement, statehood, Torres Strait Islanders

Atalay, Serde: ‘Datafied’ Subjects of Platform Real Estate and the Right to Adequate Housing: What Role for the ICESCR?

Today, access to and management of housing is predominantly an online activity. The gradual transformation of the housing component of Blocket into Qasa as a notable provider of housing in Sweden is a case in point. Qasa provides access to housing for tenants in the private rental sector. Importantly, it also offers services such as automatic rental payments and rent guarantee of up to six months for landlords. As such, Qasa is a poignant example of what is called ‘platform real estate’ (PRE) in the academic literature (Shaw, 2020).

PRE relies on massive amounts of data (Porter et al., 2019). In most cases, home-seekers must provide that data to use a digital housing platform. This data is then used for ‘scoring, ranking and stratification of individuals into groups, where moral judgements and classifications’ determine individuals’ access to housing (Wainwright, 2023). Data as the foundation of PRE thus undertakes a function of double abstraction in the private rental sector: (1) abstraction of social power (e.g. racism, Knox & Robertson, 2025) in the classification of home-seekers and (2) abstraction of home-seekers themselves. Julien Migozzi labels this process ‘the datafication of home-seekers’, i.e., ‘[t]he algorithmic remaking of the private rental sector seeks (...) to produce a visible and measurable home-seeker’ who needs to appeal to landlords to secure a place to live (2024). This abstractive power of data poses a profound challenge to tenants’ status as rights-holders. Indeed, what does it mean for the ‘human’ of human rights to be turned into a mere data point when attempting to enjoy one of the most basic human needs and rights, i.e., housing? This paper will answer this question. It will do so by investigating whether the normative framework of the International Covenant on Economic, Social and Cultural Rights, and specifically the right to adequate housing under its article 11(1), is equipped to protect tenants against this risk of ‘datafication’.

Keywords: platform real estate, housing, datafication, human, right to adequate housing

Bakošová, Lucia: A Right to Remain Dead? AI, Digital Resurrection and Post-Mortem Human Rights

This contribution examines which human rights, if any, remain meaningful after death when artificial intelligence can reconstruct and reactivate a deceased person’s digital identity. Generative AI can now simulate a person’s voice, likeness, writing style, communicative patterns and digital traces, creating post-mortem avatars, griefbots or deepfakes that produce an apparently continuing presence after biological death. This development raises a boundary question for human rights law: does the “human” in human rights disappear at death, or do certain rights-related interests survive in digital form?

The paper argues that AI-generated digital resurrection cannot be fully addressed through existing legal categories such as privacy, data protection, intellectual property or personality rights. These frameworks may offer partial protection, but they do not fully capture the human rights significance of transforming a deceased person's data, image, voice and reputation into an interactive digital entity. The core problem is not simply the processing of personal data, but the post-mortem reactivation of identity. The paper therefore proposes a limited "right to remain dead": not as a full legal personality of the deceased, but as a human-rights-based limit on the unauthorized extraction, simulation, distortion and commercialization of post-mortem identity. Such a right would protect dignity, privacy, identity integrity, reputation and previously expressed will after death. It would also take into account the interests of relatives in mourning, memory and family life. In this sense, AI reveals that death is no longer a clean temporal boundary of human rights protection: the human may cease to live biologically, while persisting as data, likeness, voice and digital memory.

Keywords: artificial intelligence; digital resurrection; post-mortem privacy; posthumous dignity; digital identity; human rights after death

Balasuriya, Hansika: Ecocide after War: Redefining the Temporal Boundaries of 'the Human' in Post Conflict Settings under the International Covenants at 60

The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, 1966 constructed the rights-bearing human as a living, present individual situated within a state-based order, capable of asserting legal claims and exercising agency. This synchronic conception of legal subjecthood faces a structural crisis in post-conflict settings where large-scale environmental destruction, ecocide, eliminates the ecological conditions upon which future human existence depends. Sixty years on, the persistent accountability gap for wartime environmental harm exposes a deeper conceptual failure: the temporal closure of the human subject in both covenant jurisprudence and international criminal law.

This paper argues that post-conflict ecocide reveals the temporal limits of Covenants' conception of "the human". Drawing on the *jus post bellum* framework developed within transitional justice scholarship, the paper contends that post-conflict environmental accountability must extend beyond compensating present victims to include preventive obligations owed to future persons. Specifically, it argues that the ICC's 2016 Policy on Case Selection and the 2025 Policy on Environmental Damage, read alongside Articles 1, 12 and 27 of the Covenants, demand a diachronic re-reading that extends obligations beyond currently living individuals.

Using Kosovo, Iraq, and Colombia as illustrative cases, the paper examines how environmental destruction creates an irreversible "ecological debt" that current accountability mechanisms, focused on synchronic reparations, fail to address. It argues that ecocide's irreversibility demands a radical reconceptualization of legal subjecthood that recognizes future persons as latent rights-holders under the Covenants.

The paper adopts a doctrinal research approach, analyzing primary and secondary sources; treaties, policy documents, and case law to identify accountability gaps and propose a diachronic re-reading of legal subjecthood under the Covenants through systematic interpretation. It concludes that the boundaries of 'the human' must be understood not only spatially and categorically, but temporally, and post-conflict ecocide makes this re-reading legally urgent.

Keywords: Ecocide, International Covenants (ICCPR/ICESCR), Future Persons, Legal subjecthood, Post-conflict Accountability

Carlson, Kerstin: Guarantees of Non-Repetition: Who and How is Human in European Remigration Debates

Human rights law imagines the possibility of recognizing fundamental and inalienable rights that vest in any and all humans. Hannah Arendt (1973/1951) was skeptical of this possibility, as she warned that the “right to have rights” rests on political recognition, rather than shared biology. For Arendt, a rights discourse arguing for dignity only exists where people exercise politics. The two covenants speak to the tension between what Agamben (1998) identified as “bare life,” the biological human, and Arendt’s political human, carving out space for the latter.

This paper considers the covenants, and human rights law more broadly, in an era of reenergized “remigration” discourse in Europe. Remigration debates racialize citizenship. Citizenship is considered a meta right and a critical element of identity (Bauböck and Paskalev 2015). It is also one of the few areas of state practice still allocated to sovereign state control; states decide how to recognize (or revoke) citizenship, with minimal constraints applied. Citizenship scholars point to the Holocaust as the seminal event in modern European legal consciousness (Gosewinkel 2021). In that telling, Germany’s racialization of citizenship through its determination that Jews could not be German eventually led to their mass murder (Arendt 2006). For most of the last 70 years, the Holocaust’s central lesson has been represented as one of a public sphere built on rights and secular liberalism (Habermas 1999). This sphere rejects racialized categories of belonging as illiberal.

The paper examines “remigration” discourse (part I) in relation to human rights ideas, specifically the human as biological versus the human as political (part II). It concludes (part III) by examining how guarantees of non repetition, actively juridified in jurisprudence from the Inter-American Court of Human Rights, might add perspective to contemporary discussions regarding remigration.

Keywords: remigration; non-repetition; race; ethnicity; belonging

Fabara, Carolina: Reimagining “the Human” in the Green Transition: Indigenous Rights, Nature’s Rights, and ESG Governance across China–EU–Latin America Relations

The accelerating green transition is reshaping the boundaries of “the human” in international human rights law, particularly in the context of resource extraction, climate governance, and emerging ESG frameworks. This paper examines how the transition to low-carbon economies driven by demand for critical minerals—reconfigures legal personhood, rights allocation, and protection regimes across China–EU–Latin America (LATAM) relations. It argues that existing human rights frameworks remain anthropocentric and insufficiently responsive to the entangled rights of Indigenous peoples, ecosystems, and future generations.

Focusing on Latin America as a key site of mineral extraction and Indigenous resistance, the paper highlights how Indigenous cosmologies and legal mobilization challenge dominant conceptions of humanity embedded in the International Covenants. The recognition of the Rights of Nature in several Latin American jurisdictions offers an alternative normative paradigm that destabilizes the human–nature

dichotomy and expands the scope of legal subjectivity. However, these developments remain unevenly integrated into transnational investment and ESG governance frameworks.

Through a comparative regional analysis, the paper explores how China's outward investment strategies and the European Union's regulatory approach to sustainable supply chains interact with local legal orders and human rights claims in LATAM. It critically assesses whether ESG standards and due diligence regimes meaningfully incorporate Indigenous rights and ecological justice, or whether they reproduce extractive logics under a green veneer.

By situating the green transition within the broader evolution of international human rights law, this paper calls for a reimagining of "the human" that incorporates relational, ecological, and pluriversal perspectives. It contributes to ongoing debates on the future of the International Covenants by foregrounding the need to reconcile human rights with environmental integrity, Indigenous sovereignty, and the rights of nature in an era of planetary crisis.

Keywords: International Human Rights Law, Green Transition, Critical Minerals, Indigenous Peoples' Rights, Rights of Nature

Kristoffersson, Eleonor and Magnus Kristoffersson: Digital Twins and the Boundaries of "the Human" in Privacy Protection

A digital twin can be described as a dynamic, virtual representation of a physical entity, such as a person, object, or system, that is continuously updated with real-time data to mirror, analyze, and predict the behaviour of its real-world counterpart. The emergence of digital twins of humans challenges established understandings of personal integrity within international human rights law. This paper explores how digital twins problematize the scope of privacy protection under the International Covenants, particularly the right to respect for private life. By aggregating real-time biometric, behavioural, and contextual data, digital twins create continuously evolving representations that may extend beyond the individual's embodied self.

The paper examines whether existing legal frameworks adequately capture harms arising from inference, prediction, and simulation, rather than direct observation or data collection. It argues that digital twins blur the boundary between the "human" and its datafied extensions, raising questions about autonomy, identity, and informational self-determination. In doing so, the paper analyses whether protections under Article 17 ICCPR and related jurisprudence can accommodate derivative or synthetic representations of persons.

Building on doctrinal analysis and recent technological developments, the paper proposes a reconceptualisation of personal integrity that includes not only data about individuals, but also data-generated projections that shape decision-making about them. It suggests that failure to address digital twins risks creating a gap in human rights protection, where significant intrusions occur without clear legal recognition.

The contribution thus situates digital twins at the intersection of technological transformation and evolving human rights boundaries, interrogating who or what constitutes the "human" entitled to protection in the digital age.

Keywords: Human digital twins; Representational integrity; Article 17 ICCPR; Privacy and data protection; Artificial intelligence and human rights

Kurtul, Aytekin Kaan: The Twin Covenants After Liberal Universalism: Towards a Post-Colonial Understanding of the “Human” in Human Rights?

This paper revisits the “human” in the International Bill of Human Rights through the history and afterlives of the Twin Covenants. Combining historical and jurisprudential analysis, it asks whether the erosion of liberal universalism and emergence of a multipolar order create conditions for a post-colonial universality in human rights.

The ICCPR and ICESCR arose from the ideological bifurcation of a project imagined as a unified statement of civil, political, economic, social and cultural rights. After the Cold War, the United Nations and human rights community sought to restore indivisibility through a liberal universalist framework. Yet that framework rested on an atomised conception of the “human”: an abstract “individual” imagined as prior to society. In the context of globalisation and “the end of history”, this subject was expected to become the bearer of a human rights consensus.

Such consensus was always unstable. In the Global South, governments and civil societies continued to insist on collective rights, including development and economic self-determination, as preconditions for civil-political rights. In the Global North, post-truth politics, democratic backsliding and weakening rule of law exposed the fragility of a liberal account of the human detached from social relations.

Against this backdrop, the paper argues that the demise of liberal universalism and unipolarity does not end universality, but enables its post-colonial reconstruction. This reconstruction will not replace one universal image of the “human” with another; rather, it will emerge through the dialectical evolution of competing interpretations of the “human” under conditions of growing substantive equality among nations. The “human” will henceforth cease to be regarded *imprimis* as *homo economicus*, and instead as a natural being constituted by the totality of social relations in a given historical order. From this perspective, the Covenants appear as a holistic project in which civil-political and socioeconomic rights are mutually constitutive.

Keywords: Twin Covenants; International Bill of Human Rights; Liberal Universalism; Post-Colonialism; Multipolarity; Human Rights Subjectivity

Lennhammer, Emma: Subjects of Rights in the Imagined Future Post-Evil Exploring Legal Temporalities under the ICESCR in Sweden, 1970s-2020s

The second half of the twentieth century was a productive period in the context of human rights. The Universal Declaration of Human Rights effectively declared the *evil past* as *past evil*, presenting a shift in the international community where the future would be vastly different from the past which had been. Subsequent human rights treaties—the ICCPR and ICESCR among them—acted as pieces of a puzzle to achieve the world *after evil* (Bevernage, 2015). Their commonality lay in positioning human rights as an “eternal principle that transcends time” (Moyn, 2022). Through these ambitions, a subject of rights has emerged which reflects a tendency in international human rights law to adopt certain conceptions of the human as “natural, ahistorical, and universal.” (Celermajer and Lefebvre, 2020). However, the subject is not only made in treaties articulating the universal subjecthood often associated with human rights. Instead, a particular subject emerges in reporting processes, where treaties are interpreted, monitored, and

negotiated. Through the extensive reporting procedures established through the UN Treaty Bodies, it is evident that the subject is neither natural, ahistorical, nor universal. Instead, I argue that juridical power is articulated through temporality, shaping how subjects are temporally framed—recognised either with or without a (potentially conditional) past/future (Chowdhury, 2020). Thus, as different actors are faced with the task of reporting to the CESCR, they also present their visions of a potential future in the making. The paper seeks to explore the uses of the future in imagining the subject of rights under the ICESCR in the monitoring of Sweden’s implementation of the Covenant, thus treating reporting as a rich archival source spanning the 1970s to 2020s. Since the ICESCR is characterised by the idea of progress, through *progressive rights realisation*, the future is constantly present. Thus, the subject is—in manifold ways—dependent on the future imagined and made.

Keywords: Human rights, ICESCR, subjecthood, temporality, legal imagination, future, Sweden

Malhotra, Ankit: Who Is the ICCPR’s Human? Domestic Courts and the Comparative Construction of the Rights-Bearing Subject

This paper examines how domestic courts use the International Covenant on Civil and Political Rights to construct the rights-bearing “human” in constitutional and public-law adjudication. It argues that the domestic use of the ICCPR is not merely a technical question of incorporation, monism, dualism, or interpretative reception. It is also a jurisprudential question about personhood. When national courts invoke the Covenant, they translate its rights through domestic ideas of dignity, liberty, equality, vulnerability, community, and public order.

Through a comparative study of selected domestic courts, including India, South Africa, the United Kingdom, Canada, and Australia, the paper maps different judicial models of the Covenant subject. These include the autonomous rights-holder, the vulnerable detainee, the marginalised minority, the culturally situated person, the migrant, and the individual exposed to new forms of state and private power. The paper shows that the ICCPR’s domestic life does not produce one universal human subject. It produces several legally mediated versions of the human, shaped by constitutional text, judicial method, legal culture, and historical experience.

The central claim is that domestic courts are not passive recipients of the ICCPR. They are active sites where the Covenant’s idea of the human is refined, narrowed, expanded, or contested. This has consequences for the Covenant’s future authority. At sixty, the ICCPR remains relevant not only because it declares civil and political rights, but because it supplies a discipline of legal reasoning through which domestic courts confront changing forms of vulnerability, exclusion, and power. The paper therefore uses comparative domestic reception as a lens for reassessing the ICCPR’s continuing role in defining who is protected by human rights law, and on what terms.

Keywords: ICCPR; domestic courts; human rights; personhood; dignity; comparative constitutional law; judicial interpretation; vulnerability

Matiaško, Maroš and Anna Sležková: Plastic Rights: Rethinking Social Rights through the Perspective of Human Plasticity

The paper develops a theoretical and normative framework for social rights grounded in the concept of plasticity, introduced by the French philosopher Catherine Malabou. The concept of plasticity provides the central conceptual lens through which the rights-bearing human is understood against the background of the UN ICESCR: not as an autonomous, self-contained legal subject, but as a being formed, transformed, sustained and potentially damaged through relations, institutions, material conditions and spatial arrangements.

Our paper discusses possibilities to reframe social rights as plastic rights. Their function is twofold. Negatively, they protect against destructive and simply flexible forms of social organisation, including precariousness, segregation and isolation, and the privatisation of dependency. Positively, they require the creation of formative infrastructures that allow persons to live, care and receive care and support, support others and participate in the community. This perspective, inspired by Malabou's account of plasticity as the capacity to receive and give form, while also retaining the possibility of destructive plasticity, is complemented by Roberto Esposito's account of community as shared exposure and obligation, and by theories of spatial justice, which show that rights are realised or denied through the organisation of space.

The newly emerged social right to care and support within the human rights discourse will serve as a paradigmatic example of a plastic perspective on the structure of human rights. They reveal that human beings are always exposed to processes of formation and deformation: bodies, capacities, dependencies, relationships and possibilities for agency are shaped by the organisation of social life. Where time, income, services, accessible environments, participation and community-based infrastructures are absent, law does not merely fail to distribute benefits. It permits conditions that deform persons and relationships. Conversely, where such infrastructures are secured, rights operate plastically: they enable repair, transformation and participation in common life.

Keywords: plasticity, flexibility, Malabou, Esposito, formation, deformation, care, support

Jimoh, Mujib: The Evidentiary Human, Artificial Intelligence, and the Right to be Believed under the International Covenants

This paper argues that the International Covenants rest on an unexamined image of the human person. The Covenants presuppose a subject who can show what was done to them, sustain that account with evidence, and secure recognition and remedy. The paper names this figure as *The Evidentiary Human*. This assumption runs through the Covenant system. The right to an effective remedy under Article 2(3) of the ICCPR presupposes a wrong capable of being established, and the practice of the treaty bodies rests on evidence that can be assessed and trusted.

Artificial intelligence now destabilizes this presupposition through synthetic media. Generative tools fabricate persuasive but false images, audio, and video of abuses that never occurred, while allowing perpetrators to discredit authentic evidence as forged. This dynamic, the liar's dividend, operates on both the evidentiary and ontological plane. Once proof becomes presumptively suspect, the victim loses not merely a means of persuasion but the standing to appear before the law as a credible subject. Their account ceases to register as the testimony of a rights bearing person whose injury law must acknowledge, and they drift from survivor with agency toward passive object.

The paper frames this as a novel boundary problem for the human in human rights. What is at stake is not evidentiary reliability, but the conditions under which a person can appear in law as both credible victim and rights holder. The paper therefore examines whether the right to an effective remedy should be read as protecting not only access to redress, but also the conditions of proof that make redress possible, including authentication and fair methods for assessing digital evidence. It argues that, in an age of Artificial Intelligence, the Covenants must protect the conditions under which humans can be heard, trusted, and believed.

Keywords: Artificial intelligence; Effective Remedy; Rights to Be Believed; ICCPR; Synthetic Media.

Nfissi, Nour and Manuel Perez Tornero: Media and Information Literacy and the Construction of Human Vulnerability in International Human Rights Law: Towards the Recognition of Informational Vulnerability

As we mark the 60th anniversary of the International Covenants, the digital transformation compels us to question whether the human subject protected by international human rights law still possesses the practical means to exercise its fundamental freedoms. The drafting architecture of 1966 assumed an inherently autonomous individual capable of freely seeking, receiving, and imparting information. Today, however, the rise of generative AI, sophisticated deep fakes, and hyper-targeted algorithms has transformed the global information ecosystem into a space of cognitive warfare and structural manipulation, giving rise to what this paper conceptualizes as informational vulnerability.

This paper argues that protecting the human subject from this modern vulnerability requires a profound paradigm shift: Media and Information Literacy must be elevated from a mere educational competency to a fundamental pillar of human rights law. Drawing on Martha Fineman's vulnerability theory and philosophical frameworks of human agency, we contend that in a post-truth ecosystem, MIL is a structural pre-condition for the survival of human dignity.

Concretely, this study demonstrates that MIL functions as an active mechanism of cognitive self-defense that operationalizes international human rights protections. First, it actively safeguards freedom of thought and opinion (Article 19, ICCPR) by equipping individuals to deconstruct algorithmic biases, synthetic content, and psychological profiling. Second, it secures the right to political participation (Article 25, ICCPR) by immunizing democratic discourse against cross-border disinformation campaigns, thereby ensuring that the expression of public will remains autonomous and uncovered. Third, it advances the right to non-discrimination by empowering citizens to identify and counter systemic online hate speech and algorithmic discrimination.

Ultimately, this study analyzes how global MIL initiatives actively drive human rights protection. Through UNESCO's operational frameworks and UN resolutions on information integrity, MIL acts as an aggressive regulatory and capacity-building effort that systematically counters digital harms and repairs the structural vulnerabilities of the modern citizen.

Keywords: Media and Information Literacy, Human Rights Law, Informational Vulnerability, Human Agency, Cognitive Self-Defense, Digital Regulation.

Nguyen, Anh: Scoring the Human: Algorithmic Risk Profiling and the Boundaries of Personhood under the ICCPR and ICESCR

The rapid rise of AI-driven risk profiling and algorithmic scoring is reshaping the boundaries of personhood and agency underpinning international human rights law. The Twin Covenants were drafted around a conception of ‘the human’ as an individualised, agentic rights-bearing subject who is able to assert and enforce entitlements within a state-based order. This paper examines how algorithmic risk profiling and social scoring practices unsettle that conception, reconstituting persons not as individual rights-holders but as statistical categories derived from group-level correlations. Taking the EU AI Act’s prohibition on social scoring (Article 5) as a normative starting point, the paper asks what conception of personhood EU law seeks to defend when it prohibits treating individuals on the basis of inferred or predicted characteristics unrelated to the context in which data was generated. It then turns this question back onto the Covenants themselves, asking whether the individualised rights architecture of the ICCPR and the progressive, needs-based entitlements of the ICESCR can accommodate harms that are probabilistic, opaque, and frequently invisible to those affected.

The paper develops this argument through two illustrative domains: predictive risk indices used in welfare administration, which disproportionately affect already disadvantaged groups and reshape eligibility for social security as a function of risk classification rather than individualised assessment (Article 9 ICESCR); and automated risk flagging in policing and platform governance, which strains the individualised non-discrimination and due process guarantees of Articles 2, 14 and 26 ICCPR. Drawing on debates around group privacy (Floridi, 2017) data justice (Taylor, 2017) and digital vulnerability, (Helberger and others, 2022) the author argues that algorithmic scoring not only creates new violations of existing rights but also reshapes the legal subject the Covenants were designed to protect. In other words, algorithmic scoring replaces the rights-holder with the risk-profile. The paper concludes by considering what an explicit right against algorithmic reduction to a score might add to the Covenants’ framework.

Keywords: algorithmic scoring, social scoring, AI Act, ICCPR, ICESCR, digital personhood, algorithmic vulnerability

O’Grady, Leannán: The Undecidable Human Freedom of Expression, Indeterminacy, and the Subject of the ICCPR

The International Covenant on Civil and Political Rights was drafted around a particular subject: the autonomous individual who holds rights against the state. A familiar critique holds that this figure is too thin, and that the person of human rights should be understood as relationally constituted, formed through community, family, and culture. This paper takes a different route. Following the indeterminacy thesis, it argues that legal argument swings permanently between two irreconcilable demands: that obligations rest on what states have consented to, and that they answer to a moral order above any state’s will. Because neither can be given up, the meaning of the Covenant’s central terms is never finally settled, and the question of who counts as its protected subject is left open along with them.

At the same time, this openness that lets the Covenant speak across a plural world lets states reopen the question of who the human is from inside its universalist vocabulary. The paper develops this claim in three steps. First, it reconstructs the model of personhood the Covenant presupposes and shows why no interpretive method can fix it in place. Second, it turns to freedom of expression under Article 19, the

clearest case. When states limit speech to protect public morals, religion, or traditional values, they shift the right's protection from the speaker to the person who might be offended. Third, reading the United Nations resolution series together with the contest over self-determination in the Human Rights Council, it shows states building and defending a communal subject against the individual one.

The aim is to show why the Covenant can never give a final answer to the question of who its human is, so that sixty years on, that answer is still fought over in practice instead of settled in law.

Keywords: International Covenant on Civil and Political Rights; freedom of expression (Article 19); structural indeterminacy; subject of human rights; relational personhood; cultural relativism.

Teo, Sue Anne: The Limits of Human Rights and AI

Many human rights concerns in relation to AI have come to the forefront which primarily touch on familiar and established human rights such as the right to private life, freedom of expression and the right to equality and non-discrimination. At the same time, the way AI challenges human rights and impacts upon key human interests seem to reveal the limitations of the framework. It has been critiqued that human rights, whether it is in relation to specific rights or the framework as a whole, is inadequate in addressing novel challenges posed by AI due to scale, scope and the lack of transparency, including of downstream effects. Relatedly, new rights have been proposed to address these drawbacks, alongside alternative approaches, such as focus on ethical principles or changes proposed towards how human rights are enforced or protected in the age of AI.

The article examines the limitations of human rights in relation to AI from three angles: operational limits, focusing on the legal protection mechanism and boundary setting on who counts as a rights bearer and thresholds of harm; conceptual limits focusing on the relationship between human rights and ethics, and the limits of legal protection, including in relation to temporal elements; and finally, foundational limits which applies the iceberg analogy to look at human dignity as the foundational building block of human rights and its failure to account for new challenges posed by AI to cognitive and epistemic capacities. It finds that the limitations are non-trivial and a human rights revival through creative tools and foundational re-thinking is needed in order to protect important human interests and capacities that are increasingly being harmed, mediated and influenced by and through the use of AI.

Keywords: Limits of human rights, human rights, artificial intelligence, human dignity, new rights

White, Samuel and Jacques Hartmann: Interdisciplinary approaches and the relational 'human': public opinion in the interpretation of the Covenants

This paper examines how interdisciplinary approaches can strengthen human rights scholarship by exposing the empirical weakness of claims that public opinion requires or justifies the curtailment of extant human rights protection. Building on our empirical work on public attitudes towards human rights in the UK and Denmark, it argues that public opinion should be understood as sociological evidence about the conditions under which human rights are contested and defended.

The paper develops this argument through the lens of the relational 'human'. Although the Covenants are often interpreted through the figure of the autonomous rights-bearing individual, the practical recognition of rights is also shaped by social context, group membership, vulnerability, and perceptions of

deservingness. Public opinion can construct hierarchies of protection by distinguishing between groups perceived as deserving or undeserving of rights, including migrants, minorities, offenders, and those living in poverty.

Drawing on Krosnick, Visser and Harder's framework, the paper interrogates whether the public attitudes that construct these hierarchies, and are invoked against human rights protections, are genuine, behaviourally expressed in representative ways, and informed. Evidence from the UK and Denmark suggests that these conditions are rarely if ever met: attitudes are often unstable and framing-dependent, behavioural expressions of public opinion tend to over-represent advantaged groups, and opposition to human rights protections is strongly associated with low levels of knowledge.

The paper therefore argues that interdisciplinary engagement should be critical rather than incorporative. Its value lies not in making Covenant interpretation responsive to public preferences, but in equipping human rights scholars and practitioners to contest populist invocations of 'the people' against rights protections. In doing so, it helps defend the Covenants' counter-majoritarian commitment to equal dignity.

Keywords: Interdisciplinarity; public opinion; ICCPR; ICESCR; socio-legal methods; legitimacy.

Yilmaz, Alper: Climate Change, Labour Rights and Future Generations: Reimagining the Human Subject of Human Rights

The foundational instruments of international human rights law were drafted around an understanding of the human being as an individual rights-holder whose interests could be identified and protected within a legal relationship primarily involving the state. Developments associated with climate change, environmental degradation and the depletion of natural resources invite a reassessment of this assumption. Contemporary environmental challenges demonstrate that human existence cannot be understood apart from the ecological systems upon which it depends. Work, production, consumption and social life are deeply embedded in a broader environmental context, making it increasingly difficult to separate human welfare from the health of the natural world.

This paper argues that climate change requires a reconsideration of the concept of the "human" protected under international human rights law through the lens of labour rights. Across many sectors, employers are introducing sustainability measures aimed at reducing carbon emissions, limiting waste and promoting environmentally responsible business practices. The success of these initiatives depends not only on regulatory obligations but also on the active participation of workers. Employees who support sustainability programmes, contribute to resource efficiency and engage in environmentally responsible workplace practices may increasingly be recognised and rewarded for their contribution to organisational climate goals. Conversely, avoidance of conduct that causes environmental harm may come to be viewed as an integral element of the employee's duties of loyalty, care and good faith, particularly in industries with significant environmental impacts.

The paper further examines environmental whistleblowing as an emerging dimension of labour rights. Employees are often among the first to become aware of practices that violate environmental regulations or undermine sustainability commitments. Reporting such conduct serves interests that extend beyond the employment relationship and concern society as a whole, including future generations. Strengthening protections for workers who disclose environmental wrongdoing therefore represents an important mechanism for advancing both climate justice and human rights.

The paper concludes that the human subject of human rights should no longer be conceived exclusively as an isolated individual living in the present. Human beings are part of a wider ecological community whose wellbeing is interconnected with nature, other living beings and generations yet to come. Climate change therefore challenges human rights law to develop a more relational and ecologically informed understanding of human dignity and responsibility.