

Seventh Glion Human Rights Dialogue (29-30 April 2020)

## Human rights in the digital age: making digital technology work for human rights

Concept paper

The Glion Human Rights Dialogue is a retreat-style event bringing together around 65 human rights practitioners and thinkers. It is designed to provide an informal space for open exchange, as well as new and innovative thinking. The meeting is held under the 'Chatham House rule.'

The seventh Glion Human Rights Dialogue (Glion VII) will be organised by Switzerland, Liechtenstein and the Universal Rights Group, in partnership with the Permanent Missions of Botswana, Fiji, Iceland, Mexico, Senegal, and Thailand. The Glion VII retreat will be preceded by four preparatory policy dialogues held during the months of February, March and April (three in Geneva and one in New York).

### Human rights in the digital age

The rapid evolution and spread of new technologies have major implications for the enjoyment of human rights. Indeed, numerous contemporary human rights challenges are inextricably linked with the growing power of new technologies, from the spread of online hate speech to attacks on the integrity of democratic elections via personal data theft and micro-targeted on-line campaigns.

The Human Rights Council and the wider UN human rights system have regularly considered the human rights implications of new technologies (e.g. resolution 20/08 on the promotion, protection and enjoyment of human rights on the Internet, resolution 28/16 on the right to privacy in the digital age). Over recent years, that interest has intensified.<sup>1</sup>

The most recent text – resolution 41/11 on 'New and emerging digital technologies and human rights,' adopted in June 2019, pursued three objectives: (1) look at the positive as well as the negative implications of technologies for human rights – i.e. how these technologies can be used to promote and protect human rights, as well as potentially harming them; (2) adopt a holistic approach by looking at a broad range of new technologies; and (3) promote a multi-stakeholder approach involving 'governments, the private sector, international organisations, civil society, the technical and academic communities.'<sup>2</sup>

Digital space and emerging technologies have also been defined as a priority area by the High Commissioner for Human Rights Michelle Bachelet and her Office.<sup>3</sup> As she highlighted during her opening statement at

<sup>1</sup> <https://www.universal-rights.org/blog/do-digital-technologies-hurt-or-support-human-rights/>

<sup>2</sup> PP10, Council resolution 41/11

<sup>3</sup> UN Human Rights Appeal 2020: <https://www.ohchr.org/Documents/Publications/AnnualAppeal2020.pdf>



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HRC<sub>41</sub>, there is a need 'to address the human rights challenges raised by digital technology, as it transforms almost all sectors of every economy and society.' Later in 2019, she developed these ideas further in a major speech on 'Human rights in the digital age' at the Japan Society in New York.<sup>4</sup>

Likewise, UN Secretary-General Antonio Guterres considers that 'new technologies, and particularly digital technologies, are already having a major impact on the world affecting all our work on international peace and security, sustainable development and human rights.' When he presented his priorities for 2020 to the GA in January this year, Guterres identified 'the downside of technology' <sup>5</sup> as one of four key challenges for the contemporary world. Guterres argued that rapid technological advance must be put at the service of humanity and the planet, rather than abused 'to commit crimes, incite hate, fake information, oppress and exploit people and invade privacy.' To respond to this challenge, he noted that 'the UN is a tailor-made platform for governments, business, civil society and others to come together to formulate new protocols and norms, to define red-lines, and to build agile and flexible regulatory frameworks.' Hence, Guterres announced the presentation of a 'Roadmap for digital cooperation covering internet connectivity, human rights, and trust and security in the age of digital interdependence.'<sup>6</sup> This Roadmap is designed to follow-up on the report<sup>7</sup> of the High-level Panel on Digital Cooperation established in 2018 (set up to reflect on how technology can accelerate progress towards the implementation of the 2030 Agenda on sustainable development). In parallel, and also as a follow-up to the Panel's recommendations, in late 2019 OHCHR launched its 'B-Tech project' to generate human rights guidance for businesses working in the technology sphere.

Council mechanisms are also increasingly engaged on the issue of new technologies, and in particular digital technologies. For example, during HRC<sub>41</sub> the Special Rapporteur on freedom of expression released a report on the threat of digital technology being used to undermine democratic elections, through network shutdowns, Distributed Denial-of-Service (DDoS) attacks, and/or pervasive digital disinformation and propaganda campaigns. Other Special Procedures have explored how digital technologies can be mobilised to catalyse and reinforce human rights progress. For example, the Independent Expert on the enjoyment of all human rights by older persons has reported that robotics, artificial intelligence and assistive technologies offer significant avenues for the fulfilment of the rights to autonomy, equality and non-discrimination, and movement. Others have noted how satellite imagery and machine learning can facilitate the identification and monitoring of situations of serious human rights violations, facilitate grassroots mobilisation, help increase democratic participation, and promote government transparency and accountability.

In light of this growing interest, there is clearly an important role to play for the UN in general, and the human rights pillar in particular, in clarifying universal human rights norms as they pertain to new and digital

<sup>4</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25158&LangID=E>

<sup>5</sup> <https://www.un.org/sg/en/content/sg/statement/2020-01-22/secretary-generals-remarks-the-general-assembly-his-priorities-for-2020-bilingual-delivered-scroll-down-for-all-english-version>

<sup>6</sup> <https://www.un.org/sg/en/content/sg/statement/2020-01-22/secretary-generals-remarks-the-general-assembly-his-priorities-for-2020-bilingual-delivered-scroll-down-for-all-english-version>

<sup>7</sup> The age of digital interdependence: <https://digitalcooperation.org/wp-content/uploads/2019/06/DigitalCooperation-report-web-FINAL-1.pdf>

technologies. At the same time, ensuring that these technologies respect and work to enhance the enjoyment of human rights around the world requires cooperation between all relevant stakeholders and in particular the building of partnerships between governments, civil society and technology companies (e.g. social media companies).

## Seventh Glion Human Rights Dialogue

Against this backdrop and in light of the many different new technologies that can and do have implications for the enjoyment of human rights, Glion VII and its preparatory policy dialogues will specifically focus on the implications of digital technologies for certain categories of human rights. By focusing on areas where a 'rights-based approach' can bring important benefits, Glion VII will aim to complement existing initiatives in this area. In this context, Glion VII will seek to adopt a practical approach premised on helping States use human rights obligations and principles to improve national policy/practice, and on encouraging companies to integrate human rights considerations throughout the 'life cycle' of digital technologies.

For this purpose, Glion VII and its preparatory policy dialogues will seek to provide an informal 'Chatham House' space for all key stakeholders (including governments, technology companies and civil society) to consider a number of themes/sub-themes:

1. Freedom of expression, access to information
  - a. Data protection and privacy on-line.
  - b. Empowerment of rights-holders through access to information (including issues such as 'internet shutdowns').
  - c. Using digital technologies to share information and knowledge about universal human rights and the international human rights system (so that people 'know their rights,' understand the work and functioning of the international system and what it means for them, and know how to claim their rights).
  - d. Digital 'hate speech': Preventing and combatting incitement to racial/religious hatred and violence on-line.<sup>8</sup>
  
2. Political and civil rights / political participation
  - a. Preventing the misuse of data (e.g. Cambridge Analytica/Facebook) and voter manipulation (micro-targeting campaigns).
  - b. Countering 'fake news,' 'deep-fake' videos, and misinformation.
  - c. Using digital technologies to safeguard the integrity of, and public trust in, elections and election results.
  - d. Using digital technologies to strengthen the participation, influence and reach of grassroots/civil society campaigns.

<sup>8</sup> Similar questions and challenges arise with the issue of 'fake news' online, however that issue will mainly be covered under theme 2.



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- e. Promoting and protecting peaceful assembly and association
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- 3. Equality and non-discrimination, including in the area of economic, social and cultural rights
    - a. The digital divide and its implications for equality and non-discrimination
    - b. Mobilising digital technologies to power progress towards the full enjoyment of social rights (e.g. right to health, right to education), and the realisation of the SDGs 'leaving no one behind.'
    - c. Data and the empirical measurement of the enjoyment of human rights amongst vulnerable or 'left behind' groups - machine learning and algorithms for disaggregated data analysis and how to deal with gaps in data, which most often afflict the most left behind.
    - d. Digital profiling (e.g. biometric profiling, algorithms), discrimination and human rights.