

## Fundamental Rights and Freedoms in the Digital Sphere

### Background

Digital technologies have created new opportunities for individuals to disseminate information to mass audiences, and have had an important impact on the participation and contribution of citizens in decision-making processes. The [EU Human Rights Guidelines on Freedom of Expression Online and Offline](#) remind states that: *“all human rights that exist offline must also be protected online, in particular the right to freedom of opinion and expression”*. As stressed in the [EU Human Rights and Democracy Action Plan 2020–2024](#), *“these technologies can also have a negative impact, such as spreading disinformation and hate speech, enabling new forms of violence [...], limiting freedom of expression and reducing civil society space, reinforcing discrimination and structural inequalities”*.

Rights to freedom of expression, peaceful assembly and association are endangered by states that *“use technology to silence, surveil and harass dissidents, political opposition, human rights defenders, activists and protesters, and to manipulate public opinion”* ([2019 Report of the Special Rapporteur](#)). The role of online platforms and digital companies in this context has increased: they are often requested to act as “gatekeepers” of those rights, yet they cannot always properly fulfil that mission.

Access to digital technologies is not equal, be it between the global north and the global south or among different groups in society. Lack of access by women and by marginalised groups is often a signal of inherent inequalities in society, and has in itself the effect of further exacerbating inequalities and social exclusion as well as civic and political disempowerment. The social media model fuels polarisation due to the “echo chamber” effect, according to which people have access mainly to opinions that reinforce their own. Polarisation, as well as online inhibition and the spread of inflammatory narratives, in turn normalises hate speech. More progress is needed in countering the “Infodemic”.

### Objectives

1. Discuss how the current international law framework and EU policy provide tools for human rights organisations and defenders to protect human rights online.
2. Present practical examples of violations of human rights online, discuss lessons learned and ways to counter abuses.
3. Debate how civil society and the media can work together to oversee online human rights abuses.
4. Exchange experiences and reflections on how technology can help to support a wider and more democratic circulation of ideas and information.
5. Discuss how to make sure that the necessary fight against disinformation and hate speech does not hamper the foremost objective, which is to allow the greatest possible enjoyment of freedom of expression and of speech.

## **Methodology**

This working group will host one main thematic session (open to the general public) and two smaller interactive sessions: one open, and a closed one exclusive to human rights defenders. During the interactive sessions, the participants will discuss in smaller groups and build on their concrete experience to draw specific recommendations and lessons learned for the EU.

### **Main thematic session (public)**

**“Enhance freedom of expression online while fighting disinformation and hate speech”**

**10 December 2020, 12.30–14.30 CET**

Freedom of expression is one of the essential foundations of a democratic society and one of the basic conditions for its progress and development. Technology has allowed a phenomenal expansion of our ability to circulate ideas and information. However, the advent of the Internet has also exacerbated disinformation, hate speech and attempts at crowd manipulation to influence democratic processes. Minorities and vulnerable groups are particularly at risk from these tactics, since they often experience multiple weakening factors such as poverty, low access to education, low levels of Internet proficiency, and lack of technical equipment. Furthermore, power imbalances and the feeling of impunity experienced online incite hate speech and can lead to intimidation and physical attacks. This session explores the challenges and opportunities to enhance the right to freedom of expression for everyone in the digital age. How can we help everyone, everywhere, build their critical thinking abilities, make known their opinions and circulate information, while fighting fake news and hate speech? How do we determine which content is protected by the right to freedom of expression and which constitutes illegal hate speech, and how do we address speech that is protected but that is divisive, harmful or misleading? How do we ensure that the fight against hate speech and disinformation does not turn into a tool for cementing political power, both in democracies and beyond?

*This session will build on inputs from the two interactive discussions.*

### **Interactive session I (public)**

**“Fighting Internet restrictions – open and neutral Internet for all”**

**9 December 2020, 16.30–18.00 CET**

The development of digital technologies has opened new possibilities for individuals to participate more in their societies to promote democracy, peace and human rights. However, the digital age has also brought risks and threats to fundamental rights. States frequently disrupt Internet connections, or block websites and platforms, to censor voices online and prevent participation and association. Cybercrime and terrorism laws, if misused, can provide

governments around the world with the tools to convict and censor human rights defenders. In this expert panel we will be exploring how Internet shutdowns, censorship and cybercrime laws impact human rights defenders as well as possible avenues to fight them. The proposal of a 'human right to Internet access' will also be discussed.

**Interactive session II (closed)**

**"Online activism: Strategies for empowerment and mobilization"**

**10 December 2020, 9.00–10.30 CET**

New technologies and the rise of social media have changed the face of political and civil participation and engagement, and will continue to do so for generations to come, as protests and social movements have gone global following calls for action and mobilisation on social media. This panel discussion will explore how the digital sphere has changed the face of protests and other traditional forms of political and civil engagement, how human rights defenders and activists have used technology to aid their movements and protect human rights, and what danger online political action poses in the current era.