

CONCEPT NOTE

EU-NGO Human Rights Forum, 9-10 December 2020

The impact of New Technologies on Human Rights

1. Rationale

New technologies have brought unprecedented opportunities for the protection and promotion of human rights, a vibrant civil society and pluralistic democracies. At the same time, the misuse of technologies can be a threat to tolerant and equal societies and fundamental freedoms. Digitalisation can lead to restrictions to civil and political rights, whether by accident or by design by state and non-state actors.

The European Union has developed several policies and initiatives to combat these shortcomings. Ensuring that fundamental values are at the heart of **creating the right environment of trust** for the successful development and use of new technologies is the trademark of the EU's approach to the digital revolution.

The COVID-19 crisis demonstrates the value of new technologies for public health, access to education, information and social protection, and for the exercise of freedom of expression. However, a large spectrum of risks have also emerged in this context. For instance, tracking technologies aimed at limiting the spread of the virus can be misused to carry out arbitrary surveillance and violate the right to privacy and data protection laws.

The online environment requires that human rights offline and online are equally protected. This is a pre-condition to ensure trust in the digital environment. Human rights are protected by various international treaties and covenants, which are applicable regardless of whether violations happen online or offline. However, as digital innovations evolve quickly, the international framework might need different provisions than traditional approaches to human rights protection. Discussions are proliferating at UN human rights fora, in the Council of Europe and other international settings on **how the international community can seize the full potential of new technologies while mitigating risks.**

States are often challenged by the pace of technological advances by Big Tech companies, leaving human rights compliance in the hands of self-regulation and self-oversight by the private sector. This is why **multi-stakeholders discussions** between EU, civil society, States, business enterprises, (network operators, IT service providers and social media platforms) are essential.

The EU has been at the forefront in upholding high standards for data protection, combatting illegal hate speech on-line and on elaborating a human-centric approach to Artificial

Intelligence. Externally, the EU determination to lead efforts on the world stage is enshrined in the new EU Action Plan on Human Rights and Democracy.

Civil society organisations and human rights defenders increasingly rely on new technologies to document human rights violations, to protect victims and share research and findings. On the other hand, they are increasingly subject to harassment and surveillance through digital means. In addition, human rights defenders working on data privacy are increasingly threatened. Civil society and human rights defenders have a fundamental role in addressing the challenges and regulation gaps in these various policy processes and in ensuring that EU lawmakers put human rights at the centre of upcoming digital policies. The forum will aim to empower human rights defenders and civil society working on all these issues.

The EU-NGO Human Rights Forum will provide an essential platform to elaborate recommendations on how the EU can further **foster human rights compliance in the digital sphere** and seize the potential of new technologies to promote the protection of human rights for all. It will also represent an opportunity to create or strengthen international multi-stakeholder networks.

2. Objectives

1. **Analysis:** Identify challenges and opportunities of new technologies and AI development for human rights. Identify areas for engagement and best practices that uphold human rights in the digital sphere.
2. **Dialogue:** Strengthen dialogue between the human rights community, the tech community, EU decision-makers and other members of the international community (e.g. UN). Foster connections between a wide range of stakeholders.
3. **Skills development:** Include practical learning components on digital safety including safe digital communications.
4. **Legislative framework:** Explore how current international human rights frameworks - can be further implemented or developed to protect human rights in the digital sphere.
5. **Policy input:** Use the outcomes of the Forum as policy input from civil society representatives to the EU on recommendations for future EU regulation and external action (e.g. upcoming AI regulation). Identify how EU human rights tools and policies can address effectively the challenge of human rights and technologies.

3. Themes

The Forum will address:

I. Fundamental freedoms in the digital sphere

- Opportunities for civil society and human rights defenders to increase online freedoms of association online and of peaceful assembly;
- Identifying solutions to combat online threats such as combatting cyber-harassment, hate speech, violent extremism;
- Tackling disinformation while promoting media pluralism;
- Defending freedom of speech online;
- Step up action to combat internet shutdowns, to overturn shutdowns and artificial limitations on internet.

II. Technology, Business and Human Rights – how to engage with the private sector

- Dialogue with “big tech” companies including social media platforms on promoting and protecting human rights in the digital sphere;
- Mandatory human rights impact assessments in due diligence processes. Access to remedy and means of redress.

III. Privacy and surveillance

- How mass and targeted arbitrary surveillance threatens human rights defenders and civil society;
- Current methods of arbitrary surveillance: facial recognition and other biometric surveillance;
- Current uses and impact of mass surveillance: border management; social credit system.

IV. Artificial Intelligence Development – opportunities and risks

- Current international efforts to regulate AI in the area of human rights;
- Opportunities, risks, and technological reliability issues in the use of AI applications in the fields of justice and access to education. How can AI be used to promote and protect human rights;
- AI leading to discrimination or impeding the realization of human rights (digital divide, bias, discriminations in law enforcement of access to work and social services). Impact on individuals in vulnerable situations: migrants, ethnic and religious minorities, children.