

High-level Panel Follow-up Roundtable 3A/B - Digital Human Rights

1st Session: 12 December 2019, 10am-12pm EST

Meeting Note

3A: Given that human rights apply fully in the digital world, we urge the UN Secretary-General to institute an agencies-wide review of how existing international human rights accords and standards apply to new and emerging digital technologies. Civil society, governments, the private sector and the public should be invited to submit their views on how to apply existing human rights instruments in the digital age in a proactive and transparent process.

3B: In the face of growing threats to human rights and safety, including those of children, we call on social media enterprises to work with governments, international and local civil society organisations and human rights experts around the world to fully understand and respond to concerns about existing or potential human rights violations.

Champions

Access Now, European Union, Government of the Republic of Korea, Office of the High Commissioner for Human Rights (OHCHR)

Key Constituents:

The Government of Denmark, The Government of the Netherlands, The Government of New Zealand, The Government of the United Kingdom, The Government of Switzerland, European Union (EU), Amnesty International, Atlantic Council Digital Forensic Research Lab (DFRL), Botnar, Carnegie UK Trust, Coding Rights, Derechos Digitales, Facebook, Freedom Online Coalition, Global Partners Digital, UN Global Pulse, Google, GovTech Lab, Graduate Institute Geneva, International Committee of the Red Cross (ICRC), ICT4Peace, Internet Commission, Korea University, MITRE, New America, OpenNet Korea, Paradigm Initiative, ICT Policy for East and Southern Africa, Tech Policy Tank, United Nations Foundation, United Nations Office of Legal Affairs, Verizon, Web Foundation

Opening Remarks of the recommendation Champions

The work of this roundtable can build on efforts already ongoing, including through the Human Rights Council, the B-Tech initiative, and work being done through the UN Guiding Principles on Business and Human Rights. It is noted that a comprehensive approach is needed to address the broad spectrum of human rights implications arising from new and emerging digital technologies, it must involve a broad spectrum of relevant stakeholders and address the rapidly growing influence of the private sector and the complex nature of new technologies make these kinds of engagement all the more important

The roundtable should take a balanced approach that looks at not only the possible challenges but also the benefits of these new technologies, including on the development of legislative and nonlegislative measures. The plan is not to duplicate existing initiatives, especially as we have a real opportunity to put more power behind them. Important however to recognise that there are gaps in this space that we need to invest in.

Many sets of interesting and useful ethical principles have been developed in recent years related to digital human rights, how should those be applied and what sorts of guidance do governments, NGOs, UN organisations and companies require to be able to operate responsibly.

Themes raised by Key Constituents

Avoid duplication: While the recommendation calls for an “agencies-wide review”, many constituents thought that it would be better to undertake a broader mapping of digital human rights initiatives across sectors and allow the Geneva-based Human Rights Council processes cover UNspecific work, in order to avoid duplication of efforts.

Challenge of enforcement: Constituents noted that there are challenges associated with regulation of online harms and that the duty of care required for social media should be a focus of discussion. There were also considerations of the way that certain authorities enforce the online space and the opportunity to use human rights and security language for other means.

Impact and responsibility of social media platforms: the impact of social media platforms is substantial and is increasing, along with the responsibility that these companies need to take in the content on their platforms. Private sector constituents noted increased engagement in this space including through the Secretary-General’s Task Force on Hate Speech.

Technology and policy solutions: social media platforms noted their use of emerging technologies like artificial intelligence to work in controversial content spaces like hate speech, harassment, terrorism and privacy. At the same time, the ethical and normative constructs around these new technologies are themselves only emerging, which can prove challenging. Constituents noted that it will require technology solutions alongside policy solutions and guidance to have a real impact.

Inclusivity: Given the wide impact of technology on human rights, it will be important to seek input from citizens who are normally excluded from these discussions, including prisoners, medical patients and students among other groups. Many constituents noted the importance of cultural perspectives on human rights enforcement.

Government engagement and expertise: Many constituents, including governments, recognized the need for capacity improvement for the public sector. Gaining expertise on what digital human rights are and how they should be applied could be a useful output from this group, especially if combined with the work around recommendation 2, on digital help desks.

Emerging technologies: This roundtable presents an opportunity for the international community to get out in front of certain technologies that are only starting to have an impact, like facial recognition or cryptocurrency, rather than responding to the impact of widespread use.

Closing Remarks and next steps from Champions

Champions are proposing six forward actions for consideration and will update, modify and send across by email for comment. These are not definite, but provide a starting point for the group:

1. Drafting letters to send to other roundtable groups to re-enforce the importance of considering human rights issues in their discussions and actions.

2. Promoting the B-Tech project. An OHCHR initiative, this is directly linked to the language in Recommendation 3A despite coming before it.
3. Prepare a report on AI and the right to privacy which is due in September – this report, to be prepared by OHCHR comes directly from the Human Rights Council and is an opportunity to bring further substance to Recommendation 3A.
4. Promotion and participation for RightsCon. Some 3,000 entities attend, next conference will be 9-12 June in Costa Rica. Issues surfacing out are intersection of climate and new technologies, indigenous rights and new tech and movements of migration.
5. Develop short practical guidance notes for decision makers on the human rights implications of new technologies like facial recognition, digital IDs and others
6. Institute regular reviews of existing digital human rights activities and gaps. Not to establish a new mechanism or duplicate the work of Access Now or OHCHR, but a review mechanism that can address the continually evolving and emerging issues that technologies create.

With regards to recommendation 3B, it was proposed that this roundtable group form a sub “working group” to review that recommendation and propose action – Access Now will initially lead on the formation and development.