
Contribution to the United Nations General Assembly (UNGA) upcoming updates to the resolution on the Promotion and Protection of Human Rights in the Context of Digital Technologies.

October 2025.

Derechos Digitales welcomes the opportunity to contribute to the updating process of the United Nations (UN) General Assembly resolution on the Promotion and Protection of Human Rights in the Context of Digital Technologies¹. Derechos Digitales² is an independent non-profit Latin American organization founded in 2005, whose mission is the defense, promotion, and development of fundamental rights in digital environments in Latin America. Our organization has ECOSOC status and has actively contributed to the UN and different of its thematic rapporteurs regarding the impact of digital technologies on human rights.

We welcome the UN General Assembly' (UNGA) growing interest and work around digital technologies' role and tensions for the promotion, realization and protection of human rights³. Following the updating process of A/RES/78/213, which main objective remains the guarantee and promotion of human rights both offline and offline, we provide a set of comments to contribute with the mentioned process. Our key contributions will be organized following some of the eight elements that will be integrated in the resolution, as presented in the consultation hosted with key stakeholders on October 3, 2025⁴.

1. Reaffirmation of the Pact for the Future and the Global Digital Compact.

We welcome the inclusion of the Pact for the Future and the Global Digital Compact (GDC) since this contributes to the endorsement of an agreed human rights language developed in digital governance frameworks. GDC, as a comprehensive global framework for digital cooperation, establishes shared principles for an open, free, and secure digital future for all. It evidences robust commitments regarding human rights in the context of digital technologies, particularly regarding inclusion and gender. However, we recommend the integration of other key ongoing international processes, notably WSIS+20, to avoid fragmentation or overlaps, and

¹ See <https://digitallibrary.un.org/record/4032837?v=pdf>

² More information at <https://www.derechosdigitales.org/>

³ See A/HRC/43/29, A/HRC/56/45, A/HRC/59/53, A/80/278.

⁴ In the call with stakeholders held on October 3rd, 2025, co-facilitators mentioned eight element to be integrated to A/RES/78/213: Reaffirmation of the Pact for the Future and the Global Digital Compact; Acknowledgment of connectivity, access to the Internet and digital literacy importance, specially in developing countries; Artificial intelligence (AI) role in the promotion and protection of human rights; Disinformation and integrity of the information tensions in the context of AI; Children and vulnerable groups protection in digital environments; Gender perspective and inclusion; Reinforcement of meaningful participation of multiple stakeholders in digital technologies' governance arenas; and safeguards in the misuse of bio metric and facial recognition technologies.

to ensure consistency when integrating human rights perspectives into digital technologies' discussions and policy development.

Suggested adjustment	Reference
Para. 3 Recalling also the World Summit on the Information Society, as well as the outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the Summit, especially WSIS+10 and WSIS+20 review processes, and noting the discussions taking place in the Internet Governance Forum, at its global, regional and local levels, as well as mainstreaming the Global Digital Compact principles regarding an open, free, secure and inclusive digital future for all. Para. 30. 2. Encourages all Member States to promote an open, safe, secure, stable, free, interoperable, inclusive, accessible and peaceful digital technology environment in accordance with international law, including the obligations enshrined in the Charter of the United Nations and international human rights law, as well as stated in global frameworks for digital cooperation and governance of digital technologies such as the World Summit on the Information Society and its 20 years review process, the Pact for the Future and the Global Digital Compact.	Global Digital Compact A/79/L.2 https://www.un.org/global-digital-compact/sites/default/files/2024-09/Global%20Digital%20Compact%20-%20English_0.pdf

2. Acknowledgment of connectivity, access to the Internet and digital literacy's importance, especially in developing countries.

Connectivity and access to the Internet are key enablers of the exercise of human rights such as freedom of expression and association, education and health, among others⁵. Notably, meaningful internet access extends beyond physical connectivity, it requires a comprehensive, intersectional rights-based approach. Ensuring internet access that is high-quality, affordable, safe, non-discriminatory, and **grounded in an intercultural approach** is essential for the full realization of human rights. This becomes even more urgent in contexts like Latin America, especially in the Amazon region, where indigenous and rural communities keep facing significant barriers to meaningfully access to the Internet, even lacking access to electricity⁶.

Jointly with access to the Internet, it is essential that indigenous peoples and marginalized groups have access to digital environment that respects their languages, identities, and rights.

⁵ See <https://docs.un.org/en/A/HRC/17/27>

⁶ See https://www.derechosdigitales.org/wp-content/uploads/DD_Amazonia_ENG_DD.pdf

The recognition of community networks that facilitate remote areas' connectivity and reduce communities' dependence on large internet providers' corporations and geopolitical interests, is crucial.

Suggested adjustment	Reference
Para. 13 Recognizing further that a lack of access to affordable, safe, inclusive, quality and reliable technologies and services remains a critical challenge in many developing countries, with disproportionate impacts on the rights of historically marginalized groups. Para. 14. Stressing the importance for all Member States, and stakeholders as appropriate, to promote meaningful, universal, free, open, inclusive, neutral, plural, interoperable, safe, reliable, secure and multicultural use of and access to the Internet by facilitating international cooperation aimed at the development of media and information and communications facilities in all countries, by respecting and protecting human rights, by promoting educational measures aimed at promoting the ability of all people to make autonomous, independent and safe use of the internet, by recognizing and protecting community networks as expressions of collective organization and technological self-determination, and by refraining from undue restrictions, such as Internet shutdowns, arbitrary or unlawful surveillance or online censorship. Para. 38. 8. Calls upon Member States to work with relevant stakeholders, including the private sector, local communities and civil society, to take steps to close all digital divides, including through creating an enabling and inclusive regulatory environment for small and non-profit Internet operators, including community networks, and to promote digital inclusion by addressing the challenges associated with access, affordability, safety, digital literacy, multiculturalism, multilingualism and digital skills, ensuring that the benefits of new and emerging digital technologies are available to all without discrimination of any kind	Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue https://docs.un.org/en/A/HRC/17/27 Ending Internet shutdowns: a path forward. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association United Nations Declaration on the Rights of Indigenous Peoples https://docs.un.org/en/A/RES/61/295

Digital literacy, as a pillar of meaningful connectivity to close digital gaps, needs to include linguistic diversity. The scarcity of online content in indigenous languages widens the digital language gap for these populations and heightens the risk of language loss⁷. Additionally, major internet platforms generally lack specific policies and dedicated content moderation teams for Indigenous or other minoritarian languages, which exacerbates the invisibility of these

⁷ See <https://unesdoc.unesco.org/ark:/48223/pf0000133171.page=76>

languages and hinders context-sensitive and culturally informed moderation⁸. For Internet access to truly function as a tool that fosters informational pluralism and cultural diversity, it is crucial to ensure the participation of linguistic minorities, as well as the availability of local content on the Internet.

Suggested adjustment	Reference
Para. 16. Underlining that digital contexts provide opportunities for exercising human rights, and for language preservation and revitalization , including by improving access to information, and by seeking, receiving and imparting information and ideas of all kinds, including the design, creation and dissemination of digital content in native languages , and emphasizing that efforts to promote access to digital technologies, digital, media and information literacy, civic participation and online safety are important to bridge digital divides, for cultural and identity preservation , and ensure digital inclusion in its broader interpretation, which includes the development of digital skills from an intercultural and multilingual perspective ,	Question of the realization of economic, social and cultural rights in all countries: the role of new technologies for the realization of economic, social and cultural rights https://docs.un.org/en/A/HRC/43/29 UNESCO, Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace

3. Artificial Intelligence's (AI) role in the promotion and protection of human rights.

States throughout the entire world are increasingly investing in the implementation of AI systems in several areas that range from justice systems to health, education and social and public security. While these technologies are often promoted as tools to improve efficiency, evidence reveals that their deployment frequently occurs under opaque conditions, without sufficient public scrutiny or participation by affected communities and with results that seldom match their efficiency promises⁹. Many of these initiatives lack clear legal safeguards or oversight mechanisms, and in several cases - such as in many countries in Latin America - operate in the absence of comprehensive data protection laws or AI-specific regulation. The result is a growing number of systems that make automated decisions about access to rights and public benefits, often without transparency, accountability, or channels for redress. This trend exacerbates existing inequalities and can infringe on fundamental rights such as privacy, due process, and non-discrimination, especially in a region where structural asymmetries and limited digital literacy persist.

Beyond their social and ethical implications, AI systems also carry a significant environmental cost. The development, training, and operation of large-scale models require immense computational power and energy resources, translating into high carbon emissions and water consumption for data center cooling. These impacts are especially concerning in Latin America,

⁸ See <https://cdt.org/insights/content-moderation-in-the-global-south-a-comparative-study-of-four-low-resource-languages/>

⁹ See https://ia.derechosdigitales.org/wp-content/uploads/2022/03/09_Informe-Comparado-EN_180222_compressed.pdf

where extractive economies and unequal energy access already strain environmental and social systems¹⁰.

Suggested adjustment	Reference
Para. 22. Noting that the use of algorithmic or automated decision-making processes, including by States in public administration, can negatively affect the enjoyment of human rights, including by perpetuating stereotypes or by resulting in discrimination or errors made by automated systems, in particular when the data used for the training of algorithms are non-representative, opaque, inaccurate or irrelevant, without human rights-based accountability mechanisms Para. 23. Noting also that the use of data collection, data extraction and algorithms to target content towards online users may undermine user agency and access to information online, and noting further that the collection, processing, use, storage and sharing of personal data, including for reuse, sale or multiple resale, risks infringing on the user's human rights; and that the amount of natural resources used to sustain such data extractive practices is catastrophic for the environment, Para. 24. Noting further that the use of artificial intelligence, when grounded in principles like equality and non-discrimination, participation, accountability, legality, legitimacy, necessity and proportionality, inclusion, accessibility, availability, affordability and adaptability, can contribute to the promotion and protection of human rights and has the potential to transform Governments and societies, economic sectors and the world of work, which urges States to take responsibility for human rights harms and violations arising from the deployment of AI systems, including by conducting prior, ongoing and transparent human rights impact assessments and by guaranteeing access to public information when AI systems are used for resources allocation, decision-making and other public administration matters. New paragraph to be included: Recalling that existing international standards, including the Human Rights Council Resolution 48/4, and the report from the High Commissioner for Human Rights, call for a moratorium, and possibly a ban, of AI tools “that cannot be used in compliance with international human rights law”	Question of the realization of economic, social and cultural rights in all countries: the role of new technologies for the realization of economic, social and cultural rights https://docs.un.org/en/A/HRC/43/29 Artificial intelligence procurement and deployment: ensuring alignment with the Guiding Principles on Business and Human Rights https://docs.un.org/en/A/HRC/59/53 Right to privacy in the digital age A/HRC/RES/48/4 https://docs.un.org/en/A/HRC/RES/48/4 Mapping report: human rights and new and emerging digital technologies https://docs.un.org/en/A/HRC/56/45 The right to privacy in the digital age. Report of the Office of the United Nations High Commissioner for Human Rights https://docs.un.org/en/A/HRC/60/45

¹⁰ See <https://www.derechosdigitales.org/recursos/emergencia-climatica-y-centros-de-datos-el-nuevo-extractivismo-de-las-big-tech/>

4. Children and vulnerable groups' protection in digital environments.

Children face growing risks in the digital environment, including exposure to harmful content, grooming and other forms of exploitative contact, as well to data exploitation and manipulative design practices¹¹. In response, a global regulatory trend has emerged to address these risks by establishing differentiated rules for younger users, whether through limits on content access or restrictions on data processing. While this differentiation can be important to assure child online protection, the predominant approach has relied on the widespread implementation of age verification system, often in disproportionate ways.

The effectiveness of these mechanisms in safeguarding of younger users – or even accurately identifying them – remains unproven. At the same time, these systems challenge the foundational model on which the internet has been build: one grounded on anonymity and free flow of information. As a result, they pose significant risks to privacy, data protection, and freedom of expression and association. These risks also extend to children themselves, who, under the UN Convention on the Rights of the Child, are recognized as rights-holders with evolving capacities. Protective measures for this group should indeed be promoted, but they must be designed from a structural perspective and rights-based perspective that acknowledges children's agency -as emphasized by General Comment No. 25 of the UN Committee on the Rights of the Child- and must always be proportionate and demonstrably effective.

Suggested adjustment	Reference
New paragraph to be included: Para. 5bis: Recognizes that, in accordance with the Convention on the Rights of the Child and as elaborated in General Comment No. 25 of the Committee on the Rights of the Child, children are rights-holders with evolving capacities whose participation, privacy, and agency must be respected in the digital environment, and stressing that protective measures concerning children's online activities must be proportionate, necessary, and designed in ways that empower rather than restrict them, including by avoiding disproportionate or ineffective reliance on age verification systems that may undermine anonymity, data protection, and freedoms of expression and association; further emphasizing that the design and regulation of the digital environment should integrate safety-by-design and privacy-by-design principles that uphold children's rights to access, protection, and participation on an equal basis with others.	UN Convention on the Rights of the Child (General Assembly resolution 44/25) https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child General Comment No. 25 on children's rights in relation to the digital environment of the UN Committee on the Rights of the Child (CRC/C/GC/25) https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-25-2021-childrens-rights-relation

¹¹ See https://www.oecd.org/content/dam/oecd/en/publications/reports/2021/01/children-in-the-digital-environment_9d454872/9b8f222e-en.pdf

5. Gender perspective and inclusion.

While we acknowledge the importance and urgency on differentiating the impacts and measures undertaken for the protection and promotion of women and girls' rights, we recommend consistently using the broader term "gender" and, where specific references to "women and girls" are maintained, explicitly adding "and gender-diverse persons" or "other marginalized groups". Gender is not simply a biological category but a social structure that shapes power relations, affects people of all identities, and intersects with race, class, age, disability, sexual orientation and other factors. This approach aligns with the UN system's recognition that violence and inequality are rooted in discriminatory gender norms and that responses must be intersectional and inclusive.

Recognizing that gender equality and intersectionality must be incorporated as cross-cutting issues throughout the formulation and implementation of digital policies, as well as the design and deployment of digital technologies by States, the private sector and all stakeholders, is key to promote the advancement of human rights in digital environments. This entails embedding gender analysis and impact assessments across digital policy cycles, allocating dedicated resources for the inclusion of women, gender-diverse people and other vulnerable groups in policy spaces, and upholding accountability mechanisms for digital policies that address structural inequalities.

Additionally, we reaffirm that technology-facilitated gender-based violence (TFGBV) is a distinct and growing form of human rights violation and that it operates as a continuum of offline structural violence and inequalities that women and gender-diverse groups have historically experienced¹². Efforts to address TFGBV must go beyond punitive measures and encompass comprehensive, rights-based, proportionate and survivor-centered strategies that provide access to justice, psychosocial support and prevention mechanisms. States and private actors must adopt holistic approaches, integrating safety-by-design, transparent content governance and gender-responsive cybersecurity, to ensure that women and all other vulnerable groups can participate in digital spaces safely and freely.

Suggested adjustment	Reference
Para. 27. Stressing the importance of all women's, and girls' gender-diverse people and other historically marginalized groups empowerment by enhancing their equal access to information and communications technology, promoting digital, media and information literacy and connectivity to enable the participation and leadership of women, and girls and gender-diverse groups in education and training, as well as in science, technology, engineering and mathematics, which is also essential to respecting and promoting all	Intensification of efforts to prevent and eliminate all forms of violence against women and girls: gender stereotypes and negative social norms https://docs.un.org/en/A/RES/77/193 Accelerating efforts to eliminate violence against women and girls: preventing and responding to violence against women and girls in digital contexts https://docs.un.org/en/A/HRC/RES/38/5

¹² See Commission on the Status of Women Agreed conclusions <https://docs.un.org/en/E/CN.6/2023/L.3>

human rights, including economic, social and cultural rights, and ensuring that women **and gender-diverse people** can participate in and contribute to society at large on equal terms and without discrimination, particularly in the realms of economic and political participation, and reaffirming that the full, equal and meaningful participation of women, ~~and~~ girls **and gender-diverse people** in the digital age is critical to achieving gender equality, sustainable development, peace and democracy,

New paragraph to be included:

Stressing that gender equality and intersectionality must be cross-cutting issues in the design, deployment and assessment of digital policies and digital technologies, countering the differentiated impacts and risks of ICT threats faced by women, girls and gender-diverse people. Mainstreaming gender and intersectionality across digital policies not only reinforce States' obligations to protect and fulfill women's, girl's and gender diverse people's rights, but also builds proportionate, survivor-centered risk mitigation and redress measures in the design and deployment of digital technologies by all relevant stakeholders.

Para. 35 Recognizes the importance of combating all forms of violence in the context of digital technologies, including **all manifestations of technology-facilitated gender-based violence**, sexual exploitation and abuse, harassment, stalking, bullying, non-consensual sharing of personal sexually explicit content, threats and acts of sexual and gender-based violence, death threats, arbitrary or unlawful surveillance and tracking, trafficking in persons, extortion, censorship, illegal access to digital accounts, mobile telephones and other electronic devices, in line with international human rights law.

New paragraph to be included:

Stresses that the forms of violence mentioned impact women, girls, and gender diverse people differentially, therefore prevention, attention and redressing measures should hold a survivor-centered approach, protect freedom of expression and privacy, and promote dignity and agency of survivors, rather than punishment alone, all through combining different legal and policy protective approaches informed by intersectional understanding of contexts, at the local, national, regional and international levels.

Para. 40. Calls upon Member States to encourage the inclusiveness of innovation, especially with regard to local communities, women, **gender-diverse people**, persons with disabilities, older persons and youth, and to ensure that the scaling and diffusion of new

Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective <https://docs.un.org/en/A/HRC/38/47>

Commission on the Status of Women Agreed conclusions <https://docs.un.org/en/E/CN.6/2023/L.3>

technologies are inclusive and do not create further divides	
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6. Reinforcement of meaningful participation of multiple stakeholders in digital technologies' governance arenas.

We welcome the Resolution's reinforcement of multi-stakeholder meaningful participation approach. As a political right¹³, participation provides legitimacy and transparency to decision-making processes, while promoting accountability among the actors involved and fostering the sustainability of the agreements reached. Meaningful participation is a critical element in the governance of digital technologies, it supports and legitimizes discussion and decision-making processes. Internet governance in particular has embraced the multi-stakeholder approach as a fundamental component, notably in process such as the World Summit on the Information Society and Netmundial+10¹⁴. AI governance arenas like the Global Digital Compact have also committed to collaboration and partnership with the private sector, civil society, international organizations, the technical, academic communities and all relevant stakeholders to shape the digital future.

Suggested adjustment	Reference
Para. 54. Encourages Member States and business enterprises to ensure meaningful participation of all relevant stakeholders in decisions on the development, deployment and use of artificial intelligence and other digital technologies by establishing concrete transparent and accessible mechanisms for engagement in digital governance processes. The effective participation of civil society organizations, particularly from the Global South, should be guaranteed to inform decision-making on the deployment of new technologies, while ensuring the inclusion of historically marginalized groups and gender balance throughout these processes.	Promotion of a democratic and equitable international order https://docs.un.org/en/A/HRC/42/48 CSW67 Agreed Conclusions https://docs.un.org/en/E/CN.6/2023/L.3 Human rights and technical standard-setting processes for new and emerging digital technologies https://digitallibrary.un.org/record/4031373?v=pdf Global Digital Compact A/79/L.2 https://www.un.org/global-digital-compact/sites/default/files/2024-09/Global%20Digital%20Compact%20-%20English_0.pdf

7. Safeguards against the misuse of biometric and facial recognition technologies

The arbitrary and unlawful use of biometric identification technologies such as facial recognition systems, particularly for purposes of criminal investigation and when combined with mass

¹³ Universal Declaration of Human Rights (art. 21); International Covenant on Civil and Political Rights (art. 25); Convention on the Elimination of All Forms of Discrimination against Women (art. 7, art. 8, art. 14, paragraph 2); International Convention on the Elimination of All Forms of Racial Discrimination (art. 5); Declaration on the Right to Development (art. 2).

¹⁴ See <https://netmundial.br/pdf/NETmundial10-MultistakeholderStatement-2024.pdf>

surveillance tools¹⁵, poses direct risks for human rights including the rights to privacy, freedom of expression, association and peaceful assembly, and non-discrimination, as well to fundamental guarantees such as due process and presumption of innocence. The deployment of facial recognition systems in public spaces without transparency, legitimate purpose or prior assessments of legality, necessity and proportionality assessments, and in the absence of independent oversight mechanisms has proved to exacerbate repression, surveillance and the criminalization of activists and human right defenders, deepening patterns of discrimination and stigmatization and ultimately threatening democracy and fundamental rights.

Additionally, we recommend acknowledging the existence and proliferation of other surveillance systems and techniques, such as cyber-patrolling and spyware¹⁶, and emphasizing the urgent need to establish robust safeguards governing their use, given the serious risks they pose to human rights, similar to those associated with facial recognition and other biometric technologies. We further note the these systems and techniques have been disproportionately employed against human rights defenders and journalists, posing heightened risks to democracy and to the exercise of political rights and freedoms.

Suggested adjustment	Reference
Para. 18. Emphasizing that, in the digital age, technical solutions to secure and to protect the confidentiality of digital communications and transactions, including measures for strong encryption, pseudonymization and anonymity, are important to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of opinion and expression and to freedom of peaceful assembly and association, and recognizing that Member States should promote such measures and refrain from employing unlawful or arbitrary surveillance techniques, which may include forms of hacking, cyber-patrolling, spyware and other emerging techniques or systems that raise profound risks for democracy and fundamental rights and freedoms. New paragraph to be included: Recognizing, that the arbitrary and illegal use of biometric identification technologies such as facial recognition systems, notably for criminal investigation proposes and in combination with massive surveillance technologies, poses risks to human rights such as privacy, freedom of expression, association and assembly, non-discrimination, and guarantees of due process and presumption of innocence.	Surveillance and human rights. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression https://docs.un.org/en/A/HRC/41/35 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue https://docs.un.org/en/A/HRC/17/27 Right to privacy in the digital age A/HRC/RES/48/4 https://docs.un.org/en/A/HRC/RES/48/4 The right to privacy in the digital age. Report of the Office of the United Nations High Commissioner for Human Rights https://docs.un.org/en/A/HRC/60/45

¹⁵ See https://www.derechosdigitales.org/wp-content/uploads/Informe-RELE-vigilancia-masiva_cerrado.pdf

¹⁶ See: <https://www.derechosdigitales.org/recursos/perfilamiento-en-redes-sociales-y-ciberpatrullaje-como-nuevas-modalidades-de-la-vigilancia-masiva-desplegada-por-los-estados-de-la-region-casos-relevantes-en-america-latina/>

Para. 45. Urges Member States to refrain from interference with the use of technologies such as encryption and anonymity tools, and from employing unlawful or arbitrary surveillance techniques, including through hacking **and cyber-patrolling**.

Para. 46. Calls upon Member States to ensure that targeted **or indiscriminate** surveillance technologies are only used in accordance with the human rights principles of legality, necessity and proportionality, and that legal mechanisms of **public scrutiny**, redress and effective remedies are available for victims of surveillance-related violations and abuses, **especially when activists, human rights defenders and journalists fundamental rights and freedoms are at risk. And call for a moratorium, and possibly a ban, of surveillance technologies that cannot be used in compliance with international human rights law.**